

THE *Gal. & Ac*
D E F E N C E
O F
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A N D
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O F T H E
M O S Q U I T O S H O R E.

HUMBLY ADDRESSED TO THE RIGHT HONOURABLE
THE LORDS OF TRADE AND PLANTATIONS.

IN ANSWER TO THE
COMPLAINTS against him from sundry Inhabitants of the
British Settlement there.

L O N D O N,
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INTRODUCTION,

CONTAINING

The HISTORY of the ACCUSATION, and of
the Proceedings already passed upon it.

MY LORDS,

THE hearing, which your Lordships have thought fit to grant me, evinces the just and equitable disposition, by which your proceedings are influenced. It would also demonstrate, if I had ever been so unjust as to cherish a doubt on the subject, that, whatever precipitancy or irregularity I may have heretofore suffered by, this board is utterly incapable of intentionally violating any principle of justice; and therefore I must impute the injury to the same poisoned source, as the one, from which the accusation of me is derived.

Your Lordships, by thus at length complying with my earnest solicitations for the opportunity of exculpating my conduct, have a claim to the warmest acknowledgments on my part; and, in the use of that opportunity, it shall be my study to mark the grateful sense I have of the goodness of your Lordships to me. With a view to this I will apply my utmost attention, not only to keep the strong feelings of a mind, conscious of having long and grievously suffered under an unjust accusation, within the bounds prescribed by the respect due to your Lordships, and to repress every word the least likely to offend the laudable delicacy of the board; but farther to guard against

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occupying

occupying one moment of the time of your Lordships, beyond what the just exhibition of my defence, conceived in the most concise terms so various a subject will admit, shall absolutely require.

The charges, against which I am to justify myself, wholly relate to my conduct, whilst I had the honour of his Majesty's commission as superintendant agent and commander in chief of the Mosquito Shore. They therefore touch my honour and pride, in the most essential and interested point. If I have a claim to any praise in a publick line; if any knowledge I am possessed of, any service I have gone through for about twenty-seven years either in a military or civil capacity, is the least deserving of consideration; if the remembrance of a deceased father, whose life was almost wholly devoted to the publick service, can intitle me to any degree of attention; it is chiefly to the Mosquito Shore that I must refer my pretensions:—and if looking there I find a bar to them, I shall despair of raising any from other resources. It was owing to my father, that the attention of government was first drawn to a *full* exercise of the rights of the crown on the Mosquito shore, and to establish a government among the settlers there. My father also was the first person distinguished with the office of superintendant, or with any other commission civil or military on the Shore. These were the circumstances, which gave occasion to my having a connection with that country from a very early part of my life; and it was the study of both my father and myself to improve in me this advantage, by storing my mind with every kind of information, which could lead to a perfect knowledge, either of the country, or of the means of deriving the important benefits in commerce
and

and power, reasonably to be expected from a settlement, so adapted to the produce of every thing that grows between the tropicks, and at the same time so happily situate almost in the midst of the north and south parts of Spanish America. The consequence was, that I obtained a familiar acquaintance with the Mosquito country, and much important information relating to the surrounding Spanish territory. But to facilitate the acquisition by visiting my father on the shore, I was forced to desert my situation at Woolwich, where I was qualifying for an engineer. However, this did not happen till I had obtained knowledge sufficient to enable me to occasionally exercise the various branches of that department of the military line (a). Accordingly I was afterwards deemed a proper person to make a survey both of the Mosquito Shore, and of the adjacent countries; and I trust, that the result of my labours in this way, which has long been in the possession of his Majesty's ministers, will one time or other be of importance to my country. Under these circumstances, I was appointed by his Majesty's ministers to execute that article of the last treaty of peace with France and Spain, which stipulates for the demolition of our fortifications "in the bay of Honduras and other places of the territory of Spain in that part of the world." The manner of performing this trust proved so satisfactory, that I was honoured with his majesty's approbation. I had even reason to believe, that, in the opinion of his Majesty's ministers, my knowledge of the Mosquito Shore helped to avoid an injury to the crown's title to the country, and to prevent its being mistaken for an appendage

(a) See Appendix, No. 2.

to the Bay of Honduras, and as such confounded with Spanish territory. Recommended by the services before stated (*b*), I was at length in 1767 appointed superintendant agent and commander in chief of the Mosquito Shore, which in the manner conferred some distinction upon me; for I was named by a commission immediately from his Majesty, and by my instructions was to correspond with his Majesty's ministers; whereas my predecessor Captain Otway received his appointment from the governor of Jamaica, and consequently had a right to an official communication with him only. On this occasion also, I was allowed to sell my company in the army, though it had been the reward of service, not purchased by money. Thus appointed to an office, which I had been so many years qualifying for, I went to the Shore with the most flattering hopes of being able to be of very essential service. From my long acquaintance with the country and its inhabitants; from the warmth of my zeal to execute the duties of my office in the most effectual manner; I concluded, that it would be in my power to advance the prosperity of the colony, and, by a gradual introduction of a system of police, to encourage the peopling of the country with settlers, and thereby to accelerate the progress of the colony from its infant state to maturity. Could I have attained this object, it might in our present circumstances have rendered our possession of the Mosquito country so firm, as to lay the foundation for a participation in commerce and dominion, in a part of America, where hitherto the Spaniards have not been disturbed by any material rivalry. I might add, that encouraged to its full extent, this valuable country is capable

(*b*) See Appendix, No. 3.

of

of counterbalancing even the loss of the more northern settlements, if that unfortunate event should finally take place. But notwithstanding my zealous endeavours, it was not my good fortune to meet with much of that success, with which I had flattered myself. What were the causes of the disappointment, it would be improper at this time to attempt formally discussing. However, from the nature of the charges against me, my defence will necessarily disclose some leading facts on the subject, and consequently will enable your Lordships to judge, whether I am right in supposing, that the continual misconduct of my accusers was the chief obstacle in my way. To me, the disappointment was of the most mortifying kind. My chief consolations under it were, and still are, first a consciousness of having, as well in this point as in every other, exerted myself to the utmost in the active and faithful discharge of my office on the Shore; and next to this a confidence, that the uprightness of my actions would secure me not only approbation, but even praise. The former of these consolations depending on myself is out of the reach of my accusers. But of the latter, which depends on others to confer, my enemies have long laboured to deprive me. Should they finally succeed, I shall not only endure the loss of that, which I shall ever hold to be one of the most valuable returns for honest labours in the service of my country; but also, by the consequential blemish of character, be put out of a condition, and rendered less fit for future service in the same honourable line.

The charges against me are addressed to the secretary of state for the American department by Mr. Robert White as agent for various persons, who are styled the principal

principal inhabitants of his Majesty's settlement on the Mosquito Shore. But your Lordships will please to avoid supposing, what it has been endeavoured to encourage a belief of, that it is the accusation of almost the whole settlement. To the first memorial the names of only twenty-five settlers appear; and Mr. John Pitt, one of those for whom Mr. White signs, by a letter to me in effect wholly disclaims being a party to the accusation (c). Since too the time of presenting the first memorial, so many of my accusers have died, that, unless I am much misinformed, there now remain living only Captain Lawrie and two or three others.

There are two memorials of accusation presented by Mr. White, which I am to answer. Of these the first is dated the 11th of November 1773, and was accompanied with a paper called a State of Facts. The second is dated the 14th of June 1775; and though there was no new matter of accusation in it, yet I conceive it to require a distinct and very pointed answer on my part. It is to the misrepresentation in this latter paper, that I in great measure impute the disadvantage I have now to encounter; namely the prejudice from a decision made before I was really heard in my defence.

Besides the two memorials above mentioned, since the first of them, others have been presented against me, coming from the same quarter, and equally aiming at my destruction. But it is the express condition, on which your Lordships have consented to hear my justification, that I should confine myself to those two memorials, and I cheerfully submit myself to the pleasure of your Lordships in this respect, without presuming to enquire into the reasons of the restraint; it being sufficient for me,

(c) See Appendix, 75.

that there is no new accusatory matter in the other papers exhibited against me; and consequently that I do not see my defence narrowed, so as to take from me the means of a full answer to all the charges against me really and properly in issue before your Lordships.

However, tho' my answer is to be confined to those two memorials, yet I presume, that it was not intended to restrain me from such a general statement of the other proceedings against me, as shall be requisite to explain from the progress of the accusation, how the case comes before your Lordships in the present form. Indeed unless I was to be allowed to go thus far out of the two memorials, your Lordships would scarce be able to give the proper direction to your own proceeding, when judgment shall be finally pronounced. It might also be attended with a disadvantage to me, which I am sure is not the intention of your Lordships. Without the true history of the accusation before your Lordships, the resolution heretofore passed might excite an undue prejudice against me; and so the accusation obtain a credit with your Lordships, which I am confident will be denied, when its origin and progress are justly represented in due order and with the incidental circumstances.

Every article of the accusation of me now to be controverted was first made in September 1771 to Sir William Trelawny then governor of Jamaica. At that time the chief of my accusers were in a state of revolt on the shore, having joined in erecting a body politick, and in assuming the appointment of magistrates to distribute justice^(d); and as it was known, that my duty would compel me to state their misconduct to Sir William, the accusation was

(d) See Appendix, No. 49.

framed to counteract my representations, and to give the colour of necessity to the violent measures they had adopted. But this first accusation was so clandestinely made, that I did not know the contents of it, till near four years after. As to the proofs which were transmitted to support the accusation, I have not yet been able to see them. Sir William, as my accusers some times confess, gave their complaints a full solemn and judicial hearing. But though the charges, being framed with a view to interest him in favor of my accusers and to seduce him to unite with them, were therefore chiefly composed of topicks personal to Sir William, yet he deemed the imputations so groundless, and the proofs so inadequate, that he did not call for my defence; but the answer to my accusers was, that the necessity, which they pleaded in excuse for illegally erecting a body politick and choosing a magistracy, originated from themselves. This reprimand was accompanied with a new commission of the peace, to remove all pretence for continuing the illegal magistracy (e).

My accusers acquiesced in the implied dismissal of the charges against me by the governor of Jamaica; but rejected the new commission of the peace, and persevered in the magistracy of their own creation. At length however the colony tired of the anarchy and disorder, the natural result of usurped powers, solicited me to assist in restoring a legal government; and even Captain Lawrie, with other leaders amongst my accusers, subscribed the application to me (f). This was in the beginning of 1773, when Sir William Trelawny was dead, and Colonel Dalling acted as governor of Jamaica. Happy to see such a change of sentiments, I chearfully consented

(e) See Appendix, No. 51. (f) See Appendix, No. 53.

to co-operate in restoring order to the colony(*g*); and for that purpose I accepted of the confidence offered me, by carrying a letter of supplications from them to governor Dalling, and giving it all the support in my power (*h*). The application succeeded; every thing asked for was granted, particularly a new commission of the peace, and his approbation of their electing a council to make by-laws and to be a court of appeal from the bench of justices (*i*). At first governor Dalling's answer to their requests seemed to give satisfaction. All the magistrates named in the new commission of the peace, but one, who was averse to the trouble of acting, qualified under it (*k*), and a council was actually elected in pursuance of governor Dalling's licence (*l*). But here the pleasing prospect of good order and a legal government ended. The ill humour of the leading persons amongst my accusers, who a little before had been soured by failing in an attempt to seduce me from my duty in opposing their monopoly of four millions of acres on the Shore (*m*), returned; and unfortunately, they had influence enough to bring about a second revolt, more extended and permanent than the first. Besides again erecting an illegal magistracy, all submission to the government of Jamaica was disclaimed; and under a still more avowed independency, the exercise of the usurped powers and jurisdictions continued for more than two years, in spite of two proclamations in the King's name issued by two successive governors of Jamaica, the first in November 1774 by Colonel Dalling (*n*), the second in December 1775 by Sir Basil Keith (*o*), The

(*g*) See App. No. 54. (*h*) App. No. 55. (*i*) App. No. 58.
 (*k*) App. No. 70. (*l*) App. No. 61, 62, 63, 64, 65, 66, 67, 68.
 (*m*) App. No. 57. (*n*) App. No. 68. (*o*) App. No. 73.

occasion, on which this second revolt broke out, was a difference of opinion with me about an oath for the new council (*p*), by which the heads of the revolters, afterwards the leaders of my accusers, insisted upon (*q*), but from its exceptionable contents, I was forced by duty to reject (*r*). But as I shall hereafter shew, my refusal was only one of the pretences for this revolt. The true reason was the same in this as in the former. In both, my accusers knew, that their misconduct would force me to criminate them. In both, acting in the genuine spirit of recrimination, they desperately turned accusers to anticipate accusation.

It was during the prelude to this second revolt, that my accusers first complained of me to his Majesty's ministers; as will appear by comparing dates. The last of my letters about the oath for the new council is dated the 16th of July 1773 (*s*). The revolt was completed in September following. The first memorial, to the secretary of state for the American department, against me, is that of the 11th of November in the same year, and is dated at London. But so distressed were they for matter to criminate me, that they were not able to suggest any new topicks of accusation; and therefore were driven to reiterate their old charges against me to Sir William Trelawny; though he had blemished them with a reprimand of my accusers; and they had not only acquiesced in the justice of his decision for almost two years, but during the latter part of that time had solicited me the accused to accept of their chief confidence. There are other unfavourable circumstances belonging to this second accusation. It

(*p*) See Appendix, No. 64.

(*q*) App. No. 65.

(*r*) App. No. 66.

(*s*) App. No. 66.

was conducted with the same secrecy as the first, and so successful were the deceitful measures to keep it from my knowledge, that I continued ignorant of it for near one year; and then, as your Lordships will presently see, had the secret disclosed to me by mere accident. Also the instructions for this second crimination appear to have been fabricating, whilst there remained a shew of amity with me; and must have been actually sent from the Shore before there was an open rupture, and in the midst of our correspondence about the oath. Otherwise, how could the accusatory memorial presented on the 11th of November 1773, with the State of Facts annexed, have been delivered in London so soon? Besides Mr. Gilibert, the emissary dispatched to London with the instructions against me, did not stay on the Shore long enough to subscribe their last letter to me about the oath, which was dated the 16th day of July 1773^(t); though his name appears to the preceding letters I received on the same subject in June^(u).

The first information, which I received of my having been accused either to Sir William Trelawny or his Majesty, was in July 1774 near *three* years after the *first* accusation, and a *year* after sending the instructions for the *revived* one. I derived the knowlege of them, whilst I was on official business at Jamaica, from the friendly communication of Sir Basil Keith, who, being possessed of very imperfect copies of the memorial of November 1773, with the State of Facts belonging to it, permitted me to have them in my hands for five or six days. The use I made of this indulgence was to draw a short sketch of observations on the State of Facts, and that

(t) See Appendix, No. 65.

(u) App. No. 61, 63.

only, which was hastily written by me, when I was with scarce any proper vouchers, most of those being on the Shore, and merely with a view to enable him to see, how little impression the complaints of me ought to make. But on reading this imperfect paper, he advised me to allow him to send it home, that, if the complaints of me should excite attention enough to put me on my defence, it might serve as a general caveat to guard me from any intervening prejudice. Nothing could be farther either from Sir Basil's or my intention, than that a paper so suddenly prepared, so wanting most of the proper vouchers, and so imperfect, though as, far as it went, strictly consonant with truth, should be treated as my full defence, or preclude me from making one.

On my return to the Shore I wrote to Captain Lawrie, for a copy of the accusation against me; Sir Basil Keith not having thought fit to allow me liberty to make one from the papers he had lent me. But Captain Lawrie, in his answer, declined acting so openly.—It is observable, that in his correspondence (x) with me on this subject, he styles Mr. White agent for the colony *at the court of Great Britain*. He best knows, to what connections he is indebted for a phrase so liable to offensive interpretation.

On the 9th. of July 1774, Mr. White the agent for my accusers at London, presented a second memorial against me. It was expressed in more violent language than the first, but did not contain any new charge.

The next paper presented against me was the memorial of the 14th of June 1775, which procured for my enemies no small advantage. There were indeed no new charges against me. But by misrepresenting the causes of the

(x) See Appendix, No. 71.

anarchy prevailing on the Shore in a series of mis-statements continued to the beginning of 1775; by alledging that the settlement would be ruined if I continued superintendant; and from my want of any agent to defend me, and to state the real situation of the colony, my accusers prevailed so far as to obtain an order to call me home, but without superseding me in my office. The Earl of Dartmouth's letter, signifying his Majesty's pleasure in this respect, is dated the 3d of August 1775(y).

The 11th of January 1776 I received the order to return to England from the hands of Mr. Ferguson who was appointed my *locum-tenens* by Sir Basil Keith, in pursuance of an instruction from the King, and brought from Sir Basil a handsome and friendly letter on the subject (z).

The 30th of the same month the agent for my accusers presented a long and most violent memorial, as a reply to my hasty sketch of observations on the State of Facts, which they artfully treated as my full defence; though it was never intended by me as such; though it was confined to the State of Facts only; and though I had never seen or heard of the two subsequent accusatory memorials.

The 7th of May 1776 Lord George Germain presented at the board of your Lordships the memorials of the 11th of November 1773 and 14th of June 1775, with the State of Facts annexed to the former; my sketch of a reply to the State of Facts, which by a mistake is there mentioned as my reply both to that and the two memorials; and lastly the answer of my accusers to the sketch of my reply. At the same time his Lordship informed the board of its being his Majesty's pleasure, that they should take

(y) See Appendix, No. 72.

(z) App. No. 74.

the papers presented, into consideration, and report to his Majesty what was adviseable to be done upon them.

Whilst these papers were before the board, Lord George Germaine was misled by some false information to believe, that I had left the Mosquito Shore, but had not obeyed the order to come home ; and accordingly notified it as a fact to your Lordships. About the same time Mr. Robert White the agent for my accusers, together with Captain Lawrie and Mr. James Montgomerie, a gentleman in the mercantile way, and in partnership with several of my accusers, attended and were discoursed with by your Lordships. What information they gave, the minutes of the board do not explain. But I have reason to suspect, that they were most active to encourage the belief as well of my having left the Shore, and of its being very much distressed for want of a superintendant, as of a great alarm here amongst the merchants on that account.

It is no great matter of surprize to me, that under the influence of such information your Lordships were impelled to a hasty decision. Who could suppose, that my accusers or their agents would presume to approach his Majesty's secretary of state, or your Lordships, with the positive and confident assertion of a falshood, so certain to be finally detected ? If too the facts were as represented, who could doubt of the propriety of removing me and appointing another person to my office ? So gross a misconduct, as leaving my duty without any person to officiate in my absence, and at the same time disobeying the orders to return home, if I had really been guilty of it, well deserved the instant loss of office ; nor could a case be easily imagined, in which the publick service could more press for an immediate resolution from your
 Lordships.

Lordships. In such a case it was scarce an object to scrutinize minutely other complaints. Where the accused officer appeared guilty of so aggravating a disobedience of his Majesty's orders, it was easy to give credit to imputations of an inferior kind.

That reasons like these did operate on your Lordships, I do not hesitate to suggest ; because otherwise I should be unable to reconcile the resolution of the board, which followed, with the usual justice and equity of its proceedings. Acting, I will therefore venture to say, under the provocations, thus artfully raised on a false foundation, and confidently imposed on his Majesty's secretary of state and your Lordships, when I had neither friend nor agent authorized to contradict the calumny, nor indeed informed of it, or any other part of the procedure ; the board on the 3d of July 1776 came to a resolution against me. This resolution states the information, that I had left the Shore, but notwithstanding had not obeyed the order to come home. It next takes notice, that there was no evidence before the board on my part, to oppose to the complaints against me, except my loose sketch of a reply to the State of Facts, mistakenly called my defence. Then the board declared an opinion, that I appeared in several instances guilty of the misconduct I had been charged with. The minute of the board concluded with a resolution submitting to his Majesty, whether it might not be expedient to remove me from my office of superintendent, and appoint another person to it.

Accordingly I was immediately superseded ; and Captain Lawrie the leader of my accusers, the leader also of two revolts, and as such not only condemned by three different governors of Jamaica, but included in proclamations

tions in the King's name by two of them, completed the triumph of an unjust accusation, by being named my successor ; and he is to this moment enjoying the fruits of an employment gained by the cruel misrepresentation of an absent and innocent man.

Whilst these transactions passed in England I remained in active duty on the Mosquito Shore, perfectly ignorant of every step taken against me at home, except the order to return, and also of every paper presented against me except the imperfect copy of the first accusatory memorial with the State of Facts. I took for granted, that, if the complaints against me were persevered in. I should be formally called upon to make my defence to the several papers presented against me, and to exhibit my proofs ; it surpassing my imagination, what arts could be practised to disappoint me of so plain and ordinary a claim of justice.

Though the orders for my return reached me the 11th January 1776, and I unremittingly endeavoured to meet with a vessel to take my passage in, I was unable to leave the Shore till the 25th of July following ; nor indeed, according to the usual intercourse with the Shore, could an opportunity sooner occur. I then was forced to make use of a new sloop, which had been destined for a different purpose. In prosecuting my voyage, I was driven on a small sandy and desert island, where I was detained two months, during which time it was with the utmost difficulty, that I fed and kept alive my wife and four young children. Afterwards the vessel became so leaky, that my personal assistance was necessary to pump the water out of the hold ; but yet I continued my course, till there was no alternative but going into Bermudas or perishing at sea.

When

When at Bermudas I had the proper protest on oath made by the master before the governor there, and the vessel was condemned (a). This was the cause of my being detained at Bermudas, where I waited six months, in vain watching for the means of a passage home. At last I met with a little vessel, which I bought ; but it was so ill suited for my wife and children, that I found it more eligible to leave them behind, exposed to the prospect of famine then threatening Bermudas, than expose them to the more immediate danger and hardships of a passage in so small and ill provided a vessel as I had purchased. It was a trying necessity to part with a wife and four infants in such circumstances. But I preferred the performance of my duty as a publick officer to my feelings as a private man.

Leaving Bermudas, I did not stop till I reached London, which was not till the 4th June 1777. I immediately went to the office of the secretary for the American department, and there for the first time learned, what had passed during my absence.

The news of my condemnation equally afflicted and astonished me ; but did not plunge me in despair. I derived comfort from a consciousness of my innocence. I founded hope on the justice of your Lordships, conceiving that I should obtain it, when the board was convinced, that they had been betrayed, by the false allegations of my enemies, into a decision premature and at the same time injurious to the cause of truth. Men with contracted souls are afraid to acknowledge error. But the liberality of such persons as compose this honourable board, I trusted, would rise superior to such littleness. *It is the elevation of justice, when a judge revokes his own erroneous sentence.*

(a) See Appendix, No. 77. and Protest.

Thus supported in my adversity, I laid my grievances before the noble Lord at the head of the American department; and through him they reached your Lordships. I proved, that I was present and in the active performance of my duty on the Mosquito Shore, when his Lordship had been induced by the false assertions of my enemies to represent me as absent. I proved, that I had obeyed the order to return home, which by an imposition on his Lordship he was moved to represent me as disobedient to; nay, that I had obeyed at the risk of my own life, at a risk also infinitely more severe to my feelings, the risk of my wife and children. I farther proved it to be a third misrepresentation to the board, when they were told, that the Shore was left without any person to act as superintendant; for I demonstrated, that it was never left thus destitute, and that, at the time supposed, there was a gentleman appointed my *locum tenens*, and both he and myself were upon the Shore. Lastly, I explained what a mistake it was to treat my loose undated and unsigned paper, called my sketch of a reply to the State of Facts, as a defence to the two accusatory memorials of November 1773, and June 1775; that it was never intended as more than a caveat in my favour during my absence, and till I should be called upon for my defence; that it professed to be only an answer to the State of Facts, and only the sketch of an answer to that; that it purposely avoided answering the accusatory memorial of November 1773, and that being written in 1774 it could not by any possibility be an answer to the memorial of June 1775; and in short, that in consequence of this most extensive and essential mistake, I was tried and condemned, without the board's hearing my defence, or the proofs which I have to exhibit in manifestation of my innocence.

Such

Such a detection of the manner, in which the noble Lord at the head of the American department and this honourable board had been surprized into error, and precipitated into a premature decision, could not be heard without astonishment. But neither the ears of the noble Lord, nor the ears of this board, were shut to the voice of truth. It prevailed, and both have concurred in holding out redress for the injuries I complain of. The noble Lord first listened to the statement of my grievances; and these being afterwards submitted to the board, your Lordships came to two resolutions successively in my favour. By the first, dated the 6th January 1778, your Lordships exculpate me from the non-obedience imputed to me, by the information stated to the board in their former minute, which recommended the removal of me from my office. By the second, dated the 1st of July in the present year, your Lordships have gone a step farther towards my relief, by agreeing to hear my defence, to the charges contained in the two accusatory memorials of the 11th November 1773 and the 14th June 1775.

It is in pursuance of this last resolution, that I now come before your Lordships for a full hearing of my case; and the door to the justification of my innocence being thus opened by the justice of your Lordships, notwithstanding the seeming disadvantage from the decision already passed, I approach your Lordships with a full confidence, that when final judgment shall be pronounced upon my actions, I shall not depart from the board, without such an honourable testimony, as will make me ample amends for the severe sufferings, to which I have been so long exposed by the hitherto successful inventions of unjust accusers.

THE
ACCUSATORY
MEMORIAL
OF

The 11th of November 1773 considered
and answered.

THE Memorial of the 11th November 1773 begins with charging, that “ I had, illegally and without
“ any warrant or authority for so doing, *assumed* the rank
“ power and authority of being the *legislator, governor,*
“ *justice of peace,* and *chief magistrate* of the Mosquito
“ Shore, *independent* of his Majesty’s governor of Jamaica
“ in many instances.”

This charge is afterwards divided into two general branches, each of which is explained by several specific allegations. The first branch relates to the imputation of my *assuming* to be an *independent legislator and governor,* and is exemplified by five distinct instances.

FIRST INSTANCE.

The first instance is expressed to be my “ convening a
“ congress of the colony soon after my arrival on the Mos-
“ quito Shore in 1768, and *proposing* to erect a supreme
“ council from among them consisting of twelve mem-
“ bers, six of whom were to be chosen by myself, and six
“ by

“ by the election of the people at large ; which council
 “ I being the head or chief, were to form a body of laws,
 “ according to which all causes civil and criminal were
 “ to be tried, and were also to determine in the *last resort*
 “ *sort* all appeals from the court of quarter sessions.”

A N S W E R.

The crime which this fact is alledged to prove is *assuming* the authority of an independent legislator and governor. But the fact stated only imputes to me *proposing*. This, without more, avoids the conclusion of my accusers ; for, most certainly to *assume* and *exercise* an authority, which is their charge, is one thing ; to *propose* to be invested with an authority, which is their proof, is another.

But I should be sorry to leave my defence here ; for I am yet to learn, that my proposition of a council was infected with the least degree of criminality.

It was a part of the written instructions given to me by the secretary of state for the American department, when his Majesty appointed me superintendant ; that I should
 “ apply myself with zeal and diligence, to *establish good*
 “ *order* amongst the inhabitants, and to promote the prof-
 “ perity of the settlement.”

On my arrival on the Mosquito Shore, I found the settlement languishing under a most imperfect system of government. The only jurisdiction exercised there was under a commission of the peace from the governor of Jamaica. This, like ordinary commissions of the peace, extended only to *criminal* matters. But in practice those, who acted under it, had also ventured to take cognizance of *civil* causes, from the want of any other court ; there being no existing jurisdiction strictly competent to entertain

tain civil suits, except an old commission for appointing a chief justice and assistant judges, which had been issued whilst Admiral Knowles was governor of Jamaica, and had never been put in force. The settlement was without any assembly authorized to make bye-laws for its internal regulation. So long as this last defect continued, it struck me, that there was little prospect of seeing any remedy applied to the numerous disorders, by which the settlement was at this time distracted : and I was the more anxious to supply this defect ; because I knew of what very great importance the Mosquito Shore might become to Great Britain, if sufficient encouragement to a proper number of settlers to resort to it was once given, by gradually introducing the same good order and police, as prevail in our West-India islands. Had I succeeded, it would have been a fortunate circumstance for the present time, and the Mosquito Shore might now have proved one of the most valuable appendages to the crown of Great Britain.

Considering the settlement in this point of view, I in August 1768 circulated a *proposition* in writing, that a council should be elected for the forming of laws and introducing good order ; and that it should consist of twelve, one half *at least* to be chosen by the free voice of the people (a). In the October following I assembled the inhabitants to consider the expediency of this proposal (b) ; and finding, that they did not approve of my naming any of the council, I cheerfully acquiesced in their sentiments of electing the whole. With this alteration my proposal was assented to by the inhabitants assembled. My next step was to issue a proclamation for a general meeting of the inhabitants to elect the council (c). But the meeting was

(a) App. No. 8. (b) App. No. 9. (c) App. No. 10.

afterwards

afterwards postponed by another proclamation at the desire of some of the inhabitants (*d*). It was postponed a second time on account of the bad weather (*e*). But after all these preparatory steps, the meeting for the election of the council was given up ; for I discovered, that some of the inhabitants had departed from their first opinion, and were becoming wholly averse to any further proceedings towards a new regulation amongst themselves.

From this naked state of the facts relative to my proposition of a legislative council, it appears, that the manner, in which my accusers shape their allegation, is both imperfect and incorrect. It is the former ; because they take no notice, that the inhabitants at first assented to my proposal of having a council ; nor of my acquiescing in their desire to elect all the members. I call it the latter ; because it was no part of my proposal, that the council should be a court of appeal of the *last resort*. Nor could any thing be more distant from my thoughts. Indeed the written papers published on the occasion did not express a word of the council's having any judicial authority ; though if the plan had come to maturity, I meant, that the council should be a court of appeal in the *first resort*.

But such as the proposition and my conduct in respect to it really were, by what arguments can my accusers render them criminal to your Lordships ?

In their State of Facts, my accusers with a view to depreciate my proposal for a council, and shew how unnecessary it was, represent, that the colony prospered and increased under the existing civil institutions. Yet most of these same persons, in May 1766, join in a petition to the throne on the internal deplorable circumstances of the

(*d*) App. No. 11.

(*e*) App. No. 12.

settlement;

settlement (*f*), and at the same time addressed the late Lord Chatham, setting themselves forth as the most distressed people (*g*). Yet most of these same persons again urged the like representations by another petition to the throne in October 1769; this second petition reciting among other distresses, that “neither could they enforce, nor in some cases even attempt to exercise any sort of civil authority, for want of a military force to have recourse to on occasion (*h*).” Yet some of these same persons in January 1773 sign a letter to Gov. Dalling, in which they a third time contradict their present language; for they confess feeling by experience, that a bench of justices, being the whole of their civil government, was by no means sufficient for the regulation of the settlement; they propose the very council, which they now reprobate, forcibly adding to Colonel Dalling, that, if the proposal met with his approbation, *it would in their opinion make a distracted settlement happy* (*i*). How will my accusers reconcile such contrarieties? According to their former representations, the government of the Mosquito Shore is inadequate; the settlement is distracted; they solicit a council of legislature and appeal, as the proper thing to supply their wants and make them happy. But when they accuse me to his Majesty’s ministers, the government of the Shore is perfect; the settlement is happy; and a council is so far from necessary or proper, that it is even criminal to propose it.

My accusers in their State of Facts say, that there was a total want of every degree of authority for the innovation I proposed. But my instructions directed me to *apply*

(*f*) App. No. 4.

(*h*) App. No. 26.

(*g*) App. No. 5.

(*i*) App. No. 55.

myself with zeal and diligence to establish good order; and this I submit to your Lordships was a warrant to me to propose, what appeared to me likely to contribute to so good a purpose. My proposition for a council I still think was of this salutary kind; and the facts, I have already exhibited, prove, that the colony, including my accusers, have been more than once of the same opinion. But, what is of more consequence, the idea of the proposal originated from a report of a committee of his Majesty's privy council in 1744, which recommended such a council for the Bay of Honduras⁽¹⁾, where we then had a settlement under similar circumstances with the Mosquito Shore; and of this report the colony of the latter was well informed, when my proposal for a council was under consideration; for I had circulated a copy of it throughout the colony. However I do not mean to insinuate, that the plan for a council could be completely executed, so as to have all the affect of a legal establishment, before it had the royal approbation. I know the contrary: and if, as was intended, a council had been immediately elected, the measure would have been submitted to the King's ministers; and on his Majesty's pleasure it would of course have depended, whether the council should or should not be a permanent establishment.

To render this proposal the more offensive, my accusers represent in their State of Facts, that the *Congress*, as they term the meeting of the inhabitants, broke up displeased with my ambition, and with the illegal powers I wanted to assume. Who would imagine from this language, the fact to be, that the assembly agreed to the proposal for a council; that I acquiesced in their

(1) See Appendix, No. 1.

desire of choosing all the members; and that they determined to have another meeting for carrying the proposal into execution by actually electing a council? Yet all this was really the case.

But it has been urged against me, that the proposal of a council, without previously consulting with Sir William Trelawny the then governor of Jamaica, was derogatory from my dependency on the government there. I do confess, that, when I made the proposal, I did not conceive myself to be dependent on the governor of Jamaica; an error, if it was wholly one, into which I was led by circumstances peculiar to my appointment. Captain Otway, my predecessor was superintendant under a commission from the governor of Jamaica, and in terms which necessarily imported dependency and full subordination. But my appointment was immediately from the King; and my commission, which was by a sign manual, named me superintendant agent and commander in chief of the Mosquito Shore; and I was directed to correspond immediately with his Majesty's ministers at home. Nor was there one word in my instructions about the governor of Jamaica, except a direction, that I should transmit my letters through the channel of that government, and some private instructions about my salary. But though this was my first sense of my appointment; yet I acted with the utmost respect and deference towards the governor of Jamaica, and was very cautious of unnecessarily obtruding any claim of independence; and afterwards when the discussion of this point became unavoidable, and his Majesty's secretary for the American department signified, that I was under the *controul* of the governor of Jamaica, and the governor and council were appointed *a board of examination*

examination and report, to his Majesty in respect to the Mosquito Shore, I submitted myself from that time to Sir William and his successors so fully, as not to give occasion for the least complaint against me on that head. Besides, how strange is it, that my accusers should attack me for affecting independency of Jamaica, and should represent such an independency as pernicious to the Mosquito Shore? Many of them must be conscious, that they signed the before mentioned letter to Lord Chatham in 1766, which more particularly solicits his assistance to obtain the very independence they now oppose so vehemently.

SECOND INSTANCE.

The second instance brought to prove my having acted *as independent legislator and governor* is expressed, by charging me, “With assuming the department office and jurisdiction of the governor of Jamaica, as ordinary, in granting, some time after his arrival on the said Mosquito Shore, letters of administration of the estate of Mr. Edward Edge deceased, to Mr. Philip Bode his brother-in-law; and afterwards issuing a dedimus to Messieurs Bryan, M'Daniel, and Charles Wetherall, requiring them to inventory and appraise the said estate.”

A N S W E R.

Not being possessed of the papers relative to this complaint, I cannot give it so particular an answer as I could wish. That I did not assume the character of ordinary and grant letters of administration, I am well convinced. But I do suppose, that in this case, as well as in others of a similar kind, I did interpose myself to preserve the effects

of the deceased, till there was a person duly authorized by the proper ordinary to administer them. I have in my possession the copy of a letter, which will explain how I acted on such occasions. It was written in 1773 to Mr. John Gallen about the effects of Israel Boardman a deceased person, who had neither heir, executor, nor administrator, on the Mosquito Shore. Mr. Gallen had a power of attorney from two of the chief creditors of Boardman; and had written to me to be furnished with an authority to take possession of Boardman's effects, offering securities for the faithful execution of the trust. All these circumstances are recited in my letter to him, which concludes with requiring him to make an affidavit, and to enter into a bond to the King of 250*£*. for his faithful behaviour; and, when that should be done, my letter authorizes him to act *as if he was administrator, until it should be directed otherwise* (m). Such was my proceeding in respect to Mr. Boardman's effects on his decease; and I do presume, that my conduct was of the same kind in the case of Mr. Edge's; and notwithstanding the bad colours, which my accusers endeavour to give it, I am not conscious, that I acted either unjustifiably or otherwise than with propriety. The necessity of such cases required, that, where there was no representative to act for the deceased on the shore, some person should interpose to save his effects from destruction, by intrusting the custody of them with a responsible person; because, without such an interposition, the effects might be totally dispersed before an administration could be obtained from the proper jurisdiction, I conceive too, that, from my situation as superintendant and commander in chief of the

(m) See Appendix, No. 60.

Shore,

Shore, I was particularly called upon to take the necessary steps for this purpose. But in so doing, I did not go a step beyond the necessity of the case. I did not, as my accusers represent, assume the jurisdiction of *ordinary* by an actual grant of administration. On the contrary I expressly distinguished the person, to whom I granted the custody of the effects on the Mosquito Shore, from an actual administrator; my words directing him, *to act as if he was administrator, until it should be directed otherwise*; by which it was most plainly intimated, both that he was not an administrator, and that the moment there was one, the person thus appointed to supply the place was to be accountable to him for the effects received.

What renders this charge of my acting as ordinary the more extravagant from the mouth of my accusers is, that they state it to have been usual for those in the commission of the peace on the Shore, to have done the very thing they object to me; and they blame me for doing, what they otherwise would have done, which implies, that in them the action would have been proper and commendable. Thus my accusers applaud others for exerting that authority, which they state as criminal usurpation in me; though certainly if such an interference could deserve so harsh a construction, it is not more applicable to me, than the Magistrates; both acting without any express authority, and both being to be justified by the same necessity. Thus too my accusers recede from the original charge, which was for encroaching on the jurisdiction of the Governor of Jamaica as ordinary, but is at length changed into a charge for usurping on usurpers.

THIRD

T H I R D I N S T A N C E.

The third instance of my acting as independent legislator and governor is thus expressed.

“ By convening a general congress or assembly of the
 “ colony at his house in August 1769, and there in his
 “ *speeches* to them lessening and degrading the authority
 “ of the governor of Jamaica over the colony; insinuating
 “ that he himself was the channel then opened to the
 “ throne; and that there was not, nor could be any other
 “ way, in which the King would hear from them; that
 “ no publick business ought to be concerted but with his
 “ knowledge, and that a contrary behaviour was not only
 “ setting light by and throwing a slur on the honour his
 “ Majesty in his wisdom had been pleased to confer on
 “ him, but was even flying in the face of Majesty itself;
 “ that the settlement as little depended on the governor
 “ of Jamaica, as it did on the governor of Virginia, in
 “ proof of which he mentioned his refusing a citation
 “ when in that island to appear before the council,
 “ and that the said colony could of themselves erect a
 “ fort, and the contingent money might be applied to
 “ that use.”

A N S W E R.

In this third instance as in the first my accusers forget the essential and eternal distinction between *words* and *deeds*. The charge, it is adduced to fix upon me, is, that I *actually assumed* the powers of an independent governor. But the instance here alledged simply states, that by *speeches* and *insinuations* I *claimed* such powers. Exclusively too of the inapplicability of the instance to the charge, surely it is rather a novelty to attempt establishing a charge of
 of

of publick crimes, by mere conversations unfollowed by any act.

But waiving this, I will consider the material parts of the allegation distinctly.

That I convened a general assembly of the colony in August 1769, is very true; and the occasion, I trust, of my doing so, was a sufficient warrant. I was informed, that the colony meditated to represent their wants to the crown; and that some of the inhabitants were disposed to do this through the medium of the governor of Jamaica, without any consultation or participation with me. When I considered my appointment as superintendant and commander in chief of the settlement, and that my instructions enjoined me to transmit to his Majesty's ministers every particular of useful information, relating to the internal state of the settlement, I thought, that it became me to make it known to the settlement, how very solicitous I was to concur with them in all proper measures for the relief of the colony, and how conformable it would be to his Majesty's intentions to transmit their representations of the state of it through me. Had I omitted to come to this explanation, and the proposed representation of the state of the colony had been made without my having any share in the measure, it would not only have had a tendency to throw a slur upon my appointment; but would also have impressed an idea, that I was indifferent about the welfare of the settlement, which by my instructions I was expressly told was *intrusted to my care*, and consequently that I was inattentive to the duties of my office. Besides it was become the more necessary, to guard against these consequences; because at this time I had discovered some secret attempts to bring me and
my

my appointment into discredit, and that Captain Lawrie had particularly been the cause of a letter, from some of the colony to the governor of Jamaica, most apparently with that view.

As to the speeches imputed to me, fortunately for me the only regular speech I addressed to the inhabitants assembled is still extant, having been committed to paper before I delivered it ; a copy of it in the hand-writing of my then secretary the reverend Mr. Warren being now in my possession. In this speech your Lordships will not find one word derogatory from the authority of the governor of Jamaica, or disrespectful to him ; for he is not even mentioned in it : and the amount of what it contains concerning myself is only, that, from my office and instructions, I was the proper channel for conveying the representations of the colony to the crown ; that there would be an impropriety in resorting to any other ; and that I was ready to give them all the assistance in my power on the occasion (n).

What conversation ensued on this my only speech I cannot undertake to state to your Lordships ; as the notes taken of it by my secretary in short-hand were, with many other papers, lost when I was ship-wrecked in 1776 ; and it is impossible at this great distance of time to charge my memory with the particulars. But thus much I may venture to assure your Lordships, that all the indecent expressions imputed to me in the State of Facts are a gross misrepresentation ; particularly where I am made to answer my late father-in-law, the venerable and ever to be regretted Mr. Pitt, with so much disrespect of himself, and such derision of the governor of Jamaica. I trust too,

(n) See Appendix, 15.

that your Lordships will on many accounts be slow in giving credit to the three affidavits, on the authority of which such unbecoming language is attributed to me. Two of the three affidavits referred to came from persons, who are of the number of the most active of my accusers. There is a particularity in the conversation, as exhibited in the State of Facts, which, when it is considered, that it was not sworn to till two years after, independent of all other circumstances, render its accuracy very suspicious. How unlikely is it, that the exact words of all the parts of a conversation in their proper order should be retained at such a distance of time? Yet it is upon the precise terms, that the indecency I am charged with depends. Your Lordships will also recollect, how much my accusers appear to have mis-stated the only speech from me, of which there remains any note in writing taken at the time. Being convicted of misrepresentation in this part of the conference, how can the truth and memories of the same persons be safely trusted in the other part? But what most tends to discredit the partial and unfaithful evidence of the three witnesses appealed to, is the result of the speech and conversations. If I had really expressed myself in the indecent terms imputed to me, it was natural to expect, that the assembly being disgusted, as they have since stated they were, with my behaviour, would reject the proposal of making me the channel of their representations to the crown, and adhere to their original intention of applying to the governour of Jamaica. But on the contrary, they were so convinced by my reasoning, that they adopted my idea, and renounced their own. Accordingly a petition to the crown was prepared by a committee appointed for the purpose. It was afterwards sent to me signed by the

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principal

principal inhabitants. Amongst these are to be found Mr. Hewm a Mr. Morris, two of the three on whose affidavits my conduct in this affair is now criminated, and also most of my present accusers, particularly Mr. Hewm and Captain Lawrie (o). There is also in evidence against this branch of the accusation, a letter to me from the committee for drawing the petition, by which it appears they were so pleased with my conduct, that, in recommending the petition to my care, they compliment me by saying, that "no gentleman whatever knows better than myself" the value and importance of the Mosquito Shore; and to this commendatory letter also Mr. Hewm, Captain Lawrie, and such other of my present accusers, as were of the committee, subscribed their names (p).

I flatter myself, that nothing more is requisite to repel the calumny contained in the charge I am now answering.

But there are two or three other circumstances proper to be noticed to your Lordships.

The State of Facts represents, that at first "I did not explicitly mention, where the channel lay, which was then open to the throne; for I well knew, that every person would perceive it to be shut, when the application to be made to the throne lay entirely against myself;" adding, that it was not till "afterwards" that I indirectly discovered it in the course of the meeting." This amounts to an assertion, that in my first speech I did not name myself as the proper channel. It also insinuates, that my misconduct was to be the subject, nay the entire subject of the intended application to the throne. But in both these points my accusers, and the three witnesses, to whose affidavits they appeal, are encountered by the clear-

(o) Appen. No. 26.

(p) Appen. No. 28.

est proof to falsify them. My written speech to the assembly demonstrates, that I began with explicitly representing myself to be the proper channel for their applications to the throne. My conduct; their conduct; the petition signed by them, the letter of the committee; by which the petition was prepared; the whole transaction, from beginning to end, shews, that the application to the throne not only did not lay entirely against me, but that my conduct was so entirely foreign to the subject of the application, that I was finally deemed the proper person to transmit the application and requested to give it my support (q). My accusers and their witnesses being thus convicted of a gross falsification, both of the subject of the intended application to the throne, and of the terms of my first speech on the occasion, cannot justly claim from your Lordships any credit for their memory of the ensuing conversation, unsustained as it is by any other proof.

In the State of Facts my accusers introduce their illustration of the charge I am now considering, with the account of a difference between Captain Lawrie and me. But this being explained will give no additional credit to the charge. Captain Lawrie, who had lately quitted his residence in the Bay of Honduras, and appeared to have been secretly active in defeating the intended council, had written a letter to Governor Trelawny's brother and secretary, in which, meaning to describe me, he writes, "We have a person, who calls himself our commanding-officer, though I have seen nothing yet that gives him that right." By the same letter Captain Lawrie, in his own name, and *that of the principal inhabitants* of the Shore, consults the governor's brother on the propriety

(q) App. No. 27. 28.

of addressing the governor on the situation of the settlement (*r*). This letter certainly seemed to convey a suspicion, that imported that I had not such an appointment from the King, as I had represented, and consequently that I was imposing on the settlement. When I came to the knowledge of the letter, which happened whilst I was at Jamaica, I could not believe that the principal inhabitants authorized Captain Lawrie to write of me in this unjust manner; and on that account I had said, that they did not know of the letter, by which I meant, not that they did not know of Captain Lawrie's writing about the settlements connection with Jamaica, but merely that the letter, in which I was so treated, was not known to them, before it was sent. Conceiving also, that this letter of Captain Lawrie was very inconsistent with that appearance of amity between us, which existed at the time, I appealed to Captain Fitzherbert and Mr. Cow, two common friends, and the only persons at Jamaica who were on the Mosquito Shore when Captain Lawrie and I were last there, for their testimony of his seemingly friendly behaviour to me; and both of the gentlemen wrote me letters expressive of their surprize at Captain Lawrie's sinister conduct. On my return to the Shore, I wrote to Captain Lawrie himself, asking him as a man of honour, whether the idea, his letter seemed to convey of me, was consonant to what he intended, when he wrote (*s*). He wrote to me, in his answer, which is in the secretary of state's office, "I did not mean by that paragraph to convey an idea hurtful to your character, as a gentleman, and own the expression might have been put in words more delicate." On my part a letter

(*r*) App. No. 13.

(*s*) App. No. 14.

was afterwards written to Captain Lawrie, acknowledging that he was desired to write to Jamaica on the subject of the independency of the Shore; though I still insisted on the fact, that nobody had seen the letter except Mr. George Hewm (t). Captain Lawrie in his answer to this last letter declared to me, that “ the letter from the publick “ which he had been the promoter of, should be heard of “ no more(u).” Here our correspondence on this affair terminated; and from the direct concession on his side and the conciliatory letter on mine, I understood, that the jarring in the settlement was to be buried in oblivion; more especially as the words of his last letter plainly contained an express promise on his part to that effect. But regardless of his engagement, in breach of the promise thus made that the publick letter to Governor Trelawny should be heard of no more, Captain Lawrie thinks fit to be first in subscribing his name to papers, which pervert this very affair into an article of accusation against me.

I have only one other remark to submit to your Lordships on the charge in question; which is, that, though if it was well founded, the indecency of language imputed to me principally affected Sir William Trelawny as Governor of Jamaica, it did not ever operate on him so as to draw from him any censure of me. On the contrary, the answer he gave, after investigating all the accusations of me, contained as I shall soon shew a severe reprehension of my accusers.

(t) See Appendix, No. 15.

(u) App. No. 16.

FOURTH INSTANCE.

The fourth instance of my acting as independent legislator and governor is thus alledged against me.

“ By assuming in his proclamation of the 5th of April
 “ 1770 a sovereign and despotick authority over all the
 “ lands and possessions of the Indians on the Mosquito
 “ Shore; ordering all titles and pretensions to such lands
 “ to be registered, that the validity of their claims might
 “ be examined, declaring the neglect of this requisition a
 “ forfeiture, and that no future gifts or grants should be
 “ valid without this ratification. All this done of him-
 “ self. No complaint existing from the Indian king and
 “ chiefs. No consultation with the colony. No direc-
 “ tion from the governor of Jamaica. No command
 “ from the King or his ministers here. The whole
 “ done by the sole and imperial pleasure of the self-
 “ elected sovereign, this superintendant.”

A N S W E R.

The charge, thus ushered in with so much declamatory pomp, is an uncandid treatment of the proclamation or notification referred to. Neither in point of intention nor in fact, was it an assumption of sovereign and despotick authority over the lands of the Indians. Its preamble explained the intention to be *to prevent as much as possible the disputes and matters of discussion, which are likely to arise concerning tracts of lands said to be purchased from or given or granted by the Mosquito Indians.* But this my accusers omit; and as it should seem, because it would have shewn, that the object of the proclamation was to save for the Indians their possessions, by preventing their being involved in controversies about pretended gifts to British settlers. The regulation,

tion, founded on this intention, exactly conformed to the spirit of it. To enforce notoriety of past bargains, and so to furnish the means of detecting any imposition which had been already practised on the Indians, it was required, that the claimants of any tracts of Indian land should register their titles within a limited time, with a declaration, that on failure they should not have benefit from such grants. To guard against future ill practices on the Indians, it was declared, that no future Indian grants should be valid without the ratification of the superintendant (*w*).

The immediate occasion of the notification was a growing evil of great importance. In my intercourse with the Mosquito Indians, during a progress I made over the country a little before issuing the proclamation, some of them complained to me of being cheated out of their country; and there was great appearance of alarm and discontent amongst them. Information also reached me, that some of the settlement had secretly bargained or at least were treating with a part of the Indians for large tracts of country; and had such bargains been suffered to proceed unmolested, I foresaw, that they would alienate the affections of the Indians from us, and that the greatest part of the Mosquito country would become a prey to the rapacity of a few individuals; not only to the prejudice of these already settled on the Shore, but also to the discouragement of future comers, and to the vexatious obstruction of any plan of settling this important country, which might be in the contemplation of his Majesty and his ministers. Under these circumstances I deemed it absolutely requisite to take some immediate step, both to convince the Indians

(*w*) See Appendix, No. 31.

of my disposition to secure them against impositions, and to obstruct the progress of the anti-colonizing evil I have described. The occasion required an instantaneous remedy of some sort; and as I was superintendant and commander in chief of the Shore, and my instructions particularly required me to cultivate a strict union and friendship with the Indians, I conceived, that I was called upon to interpose my authority in some way or other. Accordingly I risked the notification now charged upon me as a crime; and certainly at least it came out at a very seasonable moment. Soon after eight of the British settlers, all but one of whom are of the number of my accusers, avowed, what I had before too much reason to suspect, that they had obtained grants from the Indians of above *five hundred thousand acres a piece*. These enormous grants were the more alarming; because they included above *three quarters of all the habitations settlements and plantations ever made on the Mosquito Shore*(x). But there was another grant set up of a still more extravagant kind; one man only pretending to claim as my accusers partly allow, though they say it was only in joke, by a grant from some of the Indians, a territory of the extent of *fifty leagues or one hundred and fifty miles square*. In the former of these grants I was invited to become a part proprietor. But I rejected the offer, and remonstrated strongly against the proceedings; both of which appear by my correspondence on the subject, with Captain Lawrie and three others, who were concerned in the bargain(y). Had I accepted of their proposal and acquiesced in the project of monopolizing the country, most probably they would have never thought of renewing their accusa-

(x) See App. No. 57.

(y) App. No. 57.

tions of me. Their letter to me on the occasion in effect held out a tender of being *thoroughly united with me*, if I would deviate from my opposition to their project (z).

From this explanation, I hope, that your Lordships will see the integrity of my intentions in issuing the notification so violently assailed, and that the occasion was particularly urgent. I trust too, that the measure, I adopted, being viewed as it really was meant, in the light of a temporary expedient to check the mischiefs, against which it was aimed, by alarming those concerned, till a more efficacious and more authoritative remedy could be applied, will not be thought altogether ill calculated.

The only question then, between my accusers and me on this part of their charge, is, whether my notification was strictly legal and such as I had a right to enforce. But that is a point, which, advised as I now am, I certainly will not contest; though I must still beg leave to doubt the validity of such purchases without some confirmation by the crown, to which the Indians had before ceded the whole country by an act now in my possession. When I issued the notification, I had no legal assistance to define the extent of my authority as superintendant and commander in chief; and I thought it my duty to run some hazard for the sake of the settlement entrusted to my care; more especially as I was acting, where the the system of government was so imperfect, that scarce

(z) App. No. 56. It is worthy of observation, that this letter from Captain Lawrie and the three other signers of it denies the *right of the crown to the Mosquito country*, and also impliedly *charges the crown with not having protected it*. The words are, "the ceding of this country to Britain was never accepted of; or if Britain had accepted, we should have been protected as Britons long ere now."

any thing could be done with an exact conformity to the strict rules of law. At the time it appeared sufficient for me, that the measure might effect a present good, without a possibility of injuring any person. Issuing the notification was such an attention to the Indians, and proved such a desire of guarding them from impositions, that I was sure of its being pleasing to them; and though it required more than I could enforce, yet it promised at least to be some sort of check to the rapacious spirit of engrossing the Mosquito country by colourable grants from the Indians. If too the settlement should refuse to acquiesce in the regulation, I knew, that I was not bound to attempt compulsion; and that, so long as I abstained from it, my proclamation, by being unoperative and inefficient, was at least harmless to those to whom it was addressed.

On the one hand therefore, I concede to my adversaries, that the notification required more than I was authorized to compel a submission to. But on the other hand, I flatter myself, that your Lordships will not only exculpate me from every degree of criminal intention in issuing the notification; but will even pronounce me to have acted from such laudable motives, and under such circumstances, as sufficiently excuse me for an error as to the extent of my authority, or rather my hazarding to claim an excess of it, in a manner so incapable of producing a real injury to any one individual, and at the same time so likely to conduce to the general advantage of the whole settlement.

FIFTH INSTANCE.

The fifth instance of my acting as independent legislator and governor, is described to have been,

“ By

“ By attempting, on the 25th of September 1770, to
 “ intimidate the magistrates, who were regularly and
 “ legally appointed under the governor of Jamaica’s com-
 “ mission, from acting in their proper functions of
 “ justices of the peace at the quarter session held on the
 “ Mosquito Shore; and in the King’s name forbidding
 “ justice Hewlett to sit with them on the bench.”

A N S W E R.

The first part of this charge is general; but by the latter part the imputed crime is explained to relate to justice Hewlett singly.

In the State of Facts the proofs are a letter from me addressed to Captain Lawrie, and a reference to an affidavit of Mr. Morris to prove, that my father-in-law the late Mr. Pitt read this letter to the colony at large; and that on his putting the question, it was unanimously determined, that Captain Lawrie should sit as a justice.

There is a strange want of connection between this charge and the proofs adduced to sustain it. The *charge* is that I prohibited justice *Hewlett* from sitting on the bench: according to the *proof*, Captain *Lawrie* was the person prohibited. My adversaries having been made sensible of this inapplication of the proof to the charge, have since said, that its immaterial, whether justice Hewlett or Captain Lawrie was the person. But if my answer to the charge be well founded, it will not be easy to state a more essential difference, than what arises from substituting justice Hewlett for Captain Lawrie.—I did not entertain a doubt of Mr. Hewlett’s right to sit as a justice; and therefore if it could be proved, which is impossible, that I endeavoured to deter him from acting as such, I certainly was culpable. But I conceived, that Captain

Lawrie was not authorized to sit as a justice on the occasion alluded to; and if my objection to his sitting was well founded, which I hope to convince your Lordships it was, then it was not only innocent in me, to discourage him from acting, but my duty required such a conduct from me.—Again if Mr. Hewlett is the person to whom the charge relates, as the charge itself imports, the evidence referred to is not simply insufficient, but perfectly foreign to the charge. On the other hand, if the charge is made to relate to Captain Lawrie, inadequate as I shall shew the evidence to be, yet such as it is, it really applies.

Captain Lawrie, therefore, being the person, to whom I am to look in answering this charge, I say, that the evidence referred to by my accusers is not sufficient to ground the charge upon; and that, if the real state of the case was brought forward, it would appear, that my conduct was justifiable and necessary.

The criminality imputed to me depends wholly on the supposition, that Captain Lawrie had an authority to act as a justice at the time stated, in conjunction with those, with whom I prohibited him to act. But what is the proper proof of such an authority? Must it not be evidence, either of his being named in the same commission with those he acted with, or of his being associated to them by a writ for that purpose? Unless one or the other of these facts can be proved, it is morally impossible, that he could be authorized to sit as a justice with those, whom I prohibited him to sit with. But so far are my accusers from proving either, that they do not alledge, which of them they would have believed. All they alledged at first was, that the question was put to the colony, whether it was agreeable that Captain Lawrie should sit, and that the colony determined in the affirmative;

tive; as if its being *agreeable* was of itself enough to prove his right. Since my accusers have mended their case, by asserting that Captain Lawrie had a *special* commission to himself. But the date is not mentioned; nor do they offer the least proof of this commission, or explain how it could justify him in sitting with justices acting, as the others did act, under a different commission of the peace.

In the present state of the proofs, this might suffice as an answer. But I wish to be explicit, and to lay before your Lordships all that I recollect of the circumstances, out of which this charge has grown; having every reason to think, that I was well justified in objecting to Captain Lawrie's sitting with Mr. Pitt and the other justices.

On my arrival on the Mosquito Shore in 1768, I found the magistrates acting under a commission of the peace from a late governor of Jamaica. When they had read my instructions, and saw by them, that the settlement was intrusted to my care, they declined, or at least hesitated about continuing to act. But I wished to encourage them in so doing, and therefore issued a proclamation to confirm them in the exercise of their functions (a); and with a reference to this acknowledgment of their authority, they afterwards held their quarter-sessions, in proof of which I have to produce their original precepts to constables for several sessions. The magistrates continued to act under the same commission of the peace in the year 1770 (b). But on my return from my tour, to appease the commotions raised by the improper intercourse of the governor of Cartago with some of the Mosquito Indians, I found that Captain Lawrie had been sitting in judgment with the justices who were included in this commission (c). This surprised me, because the commission did

(a) App. No. 7. (b) App. No. 29. 32. (c) App. No. 30.

not name him ; and though I had a little before received a letter from the secretary of Governor Trelawny, expressing, that the latter had put Mr. Jones and Captain Lawrie into another commission of the peace, yet no such commission had been recorded, nor had I seen it, and the letter of Sir William Trelawny's secretary described it to be, not a writ or commission of association, but a distinct commission. Before another session was held, I enquired of Captain Lawrie, what was the authority on which he had sat with the other magistrates ; on which he shewed me a commission *without a seal*, which when I cast my eyes over it, appeared to me to appoint Mr. Jones and Captain Lawrie justices, and, to the best of my recollection, so far from associating them with those in the old commission, virtually to revoke the latter. It immediately occurred to me, that if this new commission should have effect, it might be attended with very pernicious consequences, no less than entirely suspending the administration of justice. Mr. Jones was then returned to his residence in Jamaica ; and therefore as under the new commission, Captain Lawrie was the only person remaining to act under it, and a single magistrate could not hold a court, it became impossible to have one except by continuing to make use of the old commission.

In this state of things it was plain, that both commissions could not be in force ; and therefore the point became whether I ought to encourage acting under the old or the new commission. But I easily formed my opinion. The new commission was informal for want of a seal ; and if this informality could have been dispensed with, and the commission had been allowed to be in force, the absence of Mr. Jones would have made it impossible to
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have held a court under it. The old commission was not liable to either objection. I therefore advised the magistrates to act under it; and if I was right in this, it followed of course, that I was justified in prohibiting Captain Lawrie from sitting with them, the commission he claimed under, if it had any force, seeming to destroy the authority under the old commission.

My accusers are very unlucky, when they introduce that excellent man the late Mr. Pitt sitting as chief magistrate on the 25th of September 1770, and putting the question, whether Captain Lawrie should sit. If it had been really fact, it would not prove either Captain Lawrie's authority or my criminality in denying it; and therefore it is not essential to my defence to controvert the assertion. But I have a short letter from the leader of my accusers, from Captain Lawrie himself, dated the same 25th of September, in which he tells me, that *Mr. Pitt would not sit at the court*, and by that very circumstance apologizes for his own sitting; for the reason he gives is the necessity of the case, and that otherwise, *a stop would be put to the course of justice (d)*, by which I presume he meant, that without him there would not be two, less than which number were insufficient to form a court. Are your Lordships to believe this letter of Captain Lawrie written at the time to excuse his own irregularity, or the affidavit in contradiction of the letter now offered by the same Captain Lawrie and his associates to criminate me? If the letter is deemed the more genuine and authoritative evidence, then your Lordships must treat the affidavit as a falshood in its principal circumstances; for according to Captain Lawrie's witness, swearing long after the trans-

(d) App. No. 33.

action,

action, Mr. Pitt was present at the meeting, presided at it, put the question for Captain Lawrie's sitting, and throughout was a most active partizan for Captain Lawrie. But according to Captain Lawrie's letter written at the time, *Mr. Pitt would not sit at this same meeting*, and that was the ground of apology for Captain Lawrie's sitting.

But Captain Lawrie's letter more than contradicts the affidavit of his witness; for it makes Captain Lawrie contradict himself. It proves, that at the time he took upon him to act contrary to my prohibition guarding him against it, he so doubted the very authority, to which he now makes it a crime in me to have objected, as to address me with an apology for his rashness.

AFTER these five articles to prove my acting as *independent legislator and governor*, the memorial of November 1773 proceeds to the second branch of their first general charge, namely, my illegally assuming to be a justice of the peace and chief magistrate. To fix upon me the illegal assumption of these two latter characters, my accusers alledge four instances against me.

FIRST INSTANCE.

The first instance is said to be, "By assuming in the said year 1768 the function and office of a justice of peace, without any right or authority for so doing, and taking an affidavit in a cause wherein Mr. William Reid was plaintiff."

A N S W E R.

The State of Facts alledges the cause to have been an action of debt before the court of quarter-sessions held at Black River; and that, on the defendant's having proposed
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an affidavit sworn before me, it was thrown out as an illegal affidavit, on the ground of my not being in any commission of the peace, or having any other legal source of authority ; and the affidavit of Mr. Reid the plaintiff in the cause is referred to as the evidence of this fact.

Here your Lordships will observe, that the criminality imputed to me consists entirely in my taking an affidavit without authority. There is not a word of my having any interest in the cause, or my being influenced by any favour or partiality for either of the parties.

As to the fact, I believe, that I did administer an affidavit in some affair in which Mr. Reid was afterwards concerned. But I am sure, that there was not any cause then depending. However for the present I will take for granted, that there was a cause ; and notwithstanding that circumstance, I will submit to your Lordships, that my taking the affidavit is not in any respect a fit ground for any criminal charge against me.

When I arrived on the Shore it was the practice with all the justices, to take affidavits in almost all cases, in which they were applied to for the purpose of proving any fact, whether it related to a cause or not. It was also their practice at their quarter-sessions to take cognizance of civil suits, and where witnesses could not attend personally to receive affidavits in evidence.

Finding this mode of taking affidavits established, I did not always refuse administering an oath to those, who thought fit to apply to me ; though I made it a rule to decline it, if there was a justice in the way, and also endeavoured to discourage the frequency of oaths to the utmost of my power. At the time of thus administering oaths, I really conceived, and till very lately continued

to think, that it was competent to me to administer an oath *ex officio*; and it should seem, that some of my accusers at least have been of the same opinion, for several of them availed themselves of the authority they now complain of me for exercising, particularly Captain Lawrie, who, as I well remember, swore before me for his half-pay. But on my consulting with my counsel, I am now informed, that neither the justices on the Shore or myself had the least authority to administer such voluntary oaths. However I cannot consider myself as criminal for such an erroneous exertion of authority, in a settlement almost without any fixed government, like the Mosquito Shore, any more than the numerous respectable magistrates, who even in Great Britain daily administer voluntary oaths to accommodate such as for various purposes choose to resort to the solemnity of an affidavit. At least I have a right to expect, that my accusers should be silent on this subject. I certainly was not more deficient in authority to take affidavits, than the justices of the peace on the Shore; and there is not one of my accusers of that description, who has not assumed to himself the same power, as they complain of in me. Nay their irregular assumption of authority is of a much more serious nature. Simply administering an oath without authority, which is the full extent of the crime charged upon me, is at the worst an inoperative excess, scarce capable of producing any positive substantial injury to any person. But besides taking affidavits without authority, exercising a civil jurisdiction with only a commission for a criminal one, and trying causes by affidavits, nay generally by the affidavits of the parties to the suit, all of which is chargeable upon every one of my accusers, who has ever acted as a justice

on the Shore, are indeed very efficient and active irregularities; the exercise of an usurped jurisdiction necessarily operating both on the persons and property of the King's subjects, and such a mode of exercising any jurisdiction militating not only with the law of England but with the principles of natural justice.

S E C O N D I N S T A N C E.

The second instance of my assuming to be justice of the peace and chief magistrate is thus worded.

“ By administering another affidavit some time after
 “ his arrival on the said Shore, in a matter wherein Mr.
 “ John Christopher of Muskee Creek, his mercantile
 “ agent and factor was concerned; and on the said affidavit's being rejected in the court by the jury, he
 “ writes to the said Mr. Christopher in January, 1769, in
 “ these terms, *I will take all the care I can, that your interest shall not suffer, and as to the jury's not allowing the*
 “ *affidavit to be good, they must either alter their opinion or*
 “ *there shall be no jury*, so that unless Robert Hodgson
 “ esquire was acknowledged to be a magistrate without
 “ having any legal title thereto, the order of justice was
 “ to be annihilated, and the settlement thrown into
 “ anarchy and confusion.”

In the State of Facts there is a larger extract from the letter thus criminated, and Mr. Christopher's affidavit is the evidence appealed to for proof of it.

A N S W E R.

Whether I ever wrote or sent a letter to Mr. Christopher so expressed, I will not aver; but I really do not believe it. I do indeed remember writing, something

about a Mosquito Shore jury, in answer to a detail he had written to me of their denying my authority to take an affidavit; and at that time not doubting my own authority in this respect any more than that of the magistrates on Shore, it is probable, that I might use some hasty expression about the jury. But whatever it was, I am sure, that I meant to say no more, than that if the magistrates who declared, that they held their courts under my authority, would not recognize my authority to take affidavits, I would not recognize their authority. Even writing so much might be imprudent. But I trust, that your Lordships will require an actual production of the letter, as the only proper evidence. It is a rule of evidence founded on justice and propriety to require in every case the best evidence; and certainly there is not any case more within the reason of the rule, than that of a letter. Without the letter itself, it would not only be accepting the worst evidence, when the best might be had; but would also deprive both your Lordships and me of all opportunity of detecting any ill practice to my prejudice, such as a forgery of the whole letter or a falsification of part; and would be attended with this farther injustice to me, that, whatever favourable construction of the words quoted might arise from passages not quoted, though the whole taken together might convey quite a different sense from what the quoted words singly will bear, yet for want of the letter itself, I should be deprived of the means of disproving unjust inferences.

Therefore I call upon my accusers to produce the letter itself, from which they extract the passages complained of; and I humbly submit to your Lordships, that, till it is produced, the charge founded upon it is a mere assertion unsustained by any competent or admissible evidence.

But

But should it be in the power of my accusers to produce any writing, with such a passage as they cite, and without any others to destroy, or qualify the ill sense, which the words seem to bear, should this finally happen to be the case, which I do not believe that it will, then I shall be ready to acknowledge, that the language of the letter was improper. At the same time your Lordships would not forget, that according to the state of my accusers, I was writing a private and confidential letter; and I appeal to the honorable feelings of your Lordships, whether it would not be a very harsh and unusual measure, to convert the hasty and idle expressions of a writing so described, without any thing more, into a publick crime.

THIRD INSTANCE.

My accusers express their third instance of my illegally acting as justice of the peace and chief magistrate in the words following.

“ By calling together on the 28th of said August 1769,
 “ at the house of William Pitt, Esquire, several justices of
 “ the peace; by declaring himself to be chairman of that
 “ meeting, in direct violation of the right of his father-
 “ in-law the said Mr. Pitt, who was then present, and
 “ as custos rotulorum was at the head of the magistracy
 “ on the Shore; by exhibiting to the said William Pitt,
 “ Esquire, and Daniel Hewlett, Esquire, a warrant signed
 “ by himself as a justice of the peace against his servant
 “ Francis Weaver, who had refused obedience to it;
 “ by declaring his magisterial power at the said meeting
 “ to be such, that he could have followed the constable,
 “ and on his servant’s refusing to obey his warrant, might
 “ have beaten him; nay, that in such a case a magi-
 “ gistrates

“strates authority was very great, that on refusing to
 “obey his warrant he could have answered killing him ;
 “by asserting in the course of his conference with the
 “magistrates at this meeting, that he was chief justice,
 “that he had thrice as much authority as others who had
 “been superintendant before him, that his authority for
 “acting as a justice was from the King, and that he
 “had it in his power to supersede justice Hewlett if he
 “pleased.”

A N S W E R.

In the State of Facts a higher colour is given to this charge, by minutely and circumstantially relating the very words of a long conversation represented to have passed between Mr. Pitt, Mr. Hewlett, and myself ; my share in which is expressed in all the most vulgar absurd and nonsensical terms, which a person of the lowest education and manners and of the smallest understanding could well utter. Particularly I am made to say of Weaver, “Shall such a puppy condemn my warrant ? Look at him, doth he look like one that would dispute my authority ? The puppy, I would make broth of him ; but by his looks it would be poison.” Again Mr. Hewlett is supposed to ask me, “whether I was chief justice ?” to which this answer is furnished for me, “yes, as all mayors, chancellors, and others were.” The account concludes with stating, that I said “as for a justice of the peace it was the lowest office next to constable, but there were fifty degrees of magistrates,” and that I then retired.

To prove this insensible and extravagant conversation, the State of Facts refers to the affidavits of Messrs. Hewm and Hewlett, two of my accusers.

But

But notwithstanding the weight of two oaths, I do most solemnly disclaim the illiberal language thus imputed to me. Indeed I do not pretend, that at the distance of time the charge of such a conversation first reached me, I could call to my mind the particulars of what really passed; nor can I say, that at this still greater distance of time it will be in my power to produce any witness against my two accusers who swear to it. About four years passed after the alledged conversation, before I knew of being charged with it; for the date of it is in August 1769, and the first time I heard of it was at Jamaica from Sir Basil Keith in 1774. When I knew of the charge, Mr. Pitt was not living to do me justice by his honest testimony; and I really do not believe, that there was any other person present at the conversation, whom I can call upon to supply his place. But still I do not think, that there will be wanting inducements with your Lordships amply sufficient to destroy the credibility of the story.

Your Lordships without doubt will consider the great uncertainty of a charge, which depends wholly on the exact recollection of the particular words and phrases used in the course of a long conversation. It will also occur to your Lordships, that this conversation is represented through the medium of two persons, both avowing themselves to be my accusers, The improbability also of the whole conversation as recited is a circumstance of no small weight. Some extraordinary passage of it, such as those about *mayors, chancellors, poison, and broth*, require strong proofs, before they can be justly imputed to any reasonable man, much less to any gentleman. But is any tolerable proof pretended? Were any parts of this incredible conversation,

conversation, was one word of it committed to writing at the time? No. Mr. Hewm, one of the swearers, could not write, as I can prove to have been notorious on the Shore. That Mr. Hewlett the other did write, is not pretended. Are the words recollected and sworn to soon after the conversation? No. Two years within a few days elapsed, before any representation it attempted of what requires a strong memory on instant recollection to preserve with tolerable accuracy. Are the arguments and language attributed to me probable in themselves, even on the supposition, that I was, what my accusers describe me to be, haughty and ambitious? No; they are not only such as no reasonable man would conceive, no liberal man could use, but also such as haughtiness and ambition would not stoop to. Do they appear probable from the sentiments, which soon after were entertained and expressed by most of my accusers, particularly the two witnesses, in concurrence with the rest of the inhabitants? No; for almost immediately after your Lordships will find the greatest harmony prevailing between them and me, and an entire confidence reposed in me for the conveyance of their sentiments, and the representation of their interests to the throne(g).

But would their whole story, even if true, which I deny it to be, support the weight of the charge of my assuming the office of justice of the peace and chief magistrate, in the despotick sense my accusers intend?

The only act alledged to have been done by me was issuing a warrant to apprehend a runaway indented servant. As to all the fabricated conversation pretended to have passed at the meeting on that business, is it not too

(g) App. No. 26, 27, 28.

trivial

trivial and vulgar to be of criminal importance? Is it not too frivolous to attract so much attention, as I am giving it, if it did not shew to what contemptible inventions my accusers have had recourse?

The fact was, that Weaver, an indented servant of the superintendant, had run away from his work, and defied me his master to make him return to it. Upon this I wrote a precept to a constable to apprehend Weaver and carry him before some magistrate. It not being obeyed from some favourable understanding between him and the constable, I desired Mr. Pitt, Mr. Hewlett, and another justice, to meet, to lay the transaction before them. When we were assembled some conversation ensued, in which the merits of the question, between Weaver and me, were even according to the state of my accusers obviously on my side; for they admit, that Mr. Pitt observed, that “as Weaver was my servant, he should “have come to me, whether I had issued a warrant or “not.” Mr. Pitt, for whom not alone as a father-in-law, but as a most estimable friend, of eminent virtues both in publick and private life, I entertained the utmost affection and respect, and in whose return of friendship, notwithstanding the little calumnies of my accusers, I found myself honoured;—did, in an exactly similar case of Hancock, another of my servants, shew his opinion of such matters, by deciding with another magistrate in my favour, and enlarged the term of his service according to the law of Jamaica. As to the other point of the authority of my warrant, I did then conceive, that I had a right to issue a warrant *ex officio*, and I desired to be supported in it by concurrence of the justices. That there was some altercation between Mr. Hewlett and

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me on the occasion, I do remember; as also, that either from that or some other cause the meeting broke up without any thing resolved upon against Weaver, about whom I gave myself no farther trouble.

Whether my opinion of my power *ex officio* was right or wrong, it could not be a crime. Nor will my conduct about Weaver prove it one; for it is not pretended, that I persevered in the opinion by any act to enforce it. On the contrary, I gave up the point, and, rather than be engaged in any contest about it, acquiesced in the loss of my servant. But it seems, that knowing the principal matter even if believed to be insufficient to the crimination they aim at, my accusers or their witnesses invent a parcel of collateral nonsense; which also, if it could be imagined to be possible, would only prove me to be as absurd and vulgar as the invention of such stuff demonstrates my enemies to be; and would still be inadequate to the criminal assumption of power they charge me with.

FOURTH INSTANCE.

The fourth instance of my illegally acting as justice of the peace and chief magistrate is thus alledged:

“ By acting as justice of the peace in his own cause in
 “ taking and signing the affidavit and evidence of Richard
 “ Grunnill, in order to be produced before the referees,
 “ to whom he had submitted the cause depending between him and Captain Treadwell in the month of
 “ June 1771.”

ANSWER.

A N S W E R.

The State of Facts explains this to relate to an anchor and cable, of the value of fourteen pounds seven shillings and six pence, belonging to a Spanish schooner, called the Nicaragua; and that I charged one Captain Treadwell with being the cause of losing the anchor and cable.

The affair is too insignificant to trouble your Lordships with many words upon.

The plain intent of the charge is to give the appearance of my acting as a judge in my own cause. But the fact, as represented by my accusers themselves, shews the contrary. Though they call it *a cause*, yet by their own statement it appears, that it was not one, but matter merely before arbitrators. My administering the oath to the witness, whose affidavit was laid before the arbitrators, could make no material difference in the case. The contents of the affidavit were not varied by its being sworn before me; nor could it be supposed to have any effect on the decision, that it was sworn before me instead of a justice of the peace. The truth was, that when I administered the oath, the witness was in a hurry to leave the Shore, and there was no magistrate then at hand. I am now advised, that not even a justice of the peace could have authority to take an affidavit on such an occasion. Their authority to administer oaths is restrained to matters within their own jurisdiction, and doth not extend to matters referred to arbitrators.

I might go a step farther and prove, that I was never more than the nominal owner of the schooner in question; for she was the property of others, having been seized by me for the benefit of her Spanish owners, and my pos-

session never having been for my own personal benefit, as will appear by the papers referred to by me in answering the sixth article of the second general head of charge against me.

These are all the articles of both branches of the first general head of accusation; after which the memorial of November 1773, proceeds to a second general head, by farther charging me with misconduct, oppression, and breach of duty, in six instances :

FIRST INSTANCE.

The first instance is thus described.

“ In being so blameably inattentive and remiss in the
 “ execution of the duty of his office of superintendant,
 “ as not to have the smallest degree of merit in detecting
 “ the dangerous conspiracy formed in the spring 1769, by
 “ Don Joseppi de Nava, the Spanish governor of Car-
 “ tago, who had brought to his interest Admiral Dillson,
 “ a Mosquito Indian chief, by which he proposed to de-
 “ stroy and extirpate all his Majesty’s subjects from that
 “ coast. The settlement was alarmed. The settlement
 “ alone was active, and at length Mr. Bartholomew
 “ Gilibert succeeded in making a full discovery. But
 “ Robert Hodgson, Esq. his Majesty’s superintendant, in
 “ this singular instance of the greatest publick service,
 “ which ever fell within this department of duty, was
 “ either so criminally negligent, or on such bad terms
 “ with the Mosquito king and chiefs, that he was not of
 “ the smallest use or service to the colony upon this im-
 “ portant publick occasion.”

ANSWER.

A N S W E R.

The State of Facts illustrates this charge, by representing the great address of Gilibert in obtaining from Dillson one of the letters to him from the governor of Cartago, dated the 23d of May 1769; and that Gilibert, not the superintendant, sent a copy of the letter to the governor of Jamaica. It also suggests, that, *so far as the colony know*, I never acquainted the minister here, or the governor of Jamaica, with the fatiguing attention of Captain Lawrie and other gentlemen to get at the bottom of this conspiracy, nor the singular obligation all were under to Mr. Gilibert.

But the only proof offered of this charge against me is a copy of the letter of the governor of Cartago authenticated by Mr. Gilibert.

The matter of this charge is very extraordinary in itself; namely *negligence, in not having the merit of detecting a conspiracy*. The most active, the most diligent person in my situation, might fail in his attempts to make such a discovery. But shall his activity and diligence be deemed negligence; because others were more successful? According to the State of Facts the colony, including my accusers, *tried long to make a discovery*; but acknowledges, that at last it was not made by them. Will they allow themselves to be criminal on that account?

The facts, alledged as instances of negligence, are not less surprising. They consist of eulogiums on others for their great merit and activity; as if it was of course, that because they acted as became members of the settlement, I therefore neglected my duty as superintendant. Not one pertinent instance of my neglect is asserted. On the contrary
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every particular allegation may be true ; yet the charge of negligence against me be wholly unfounded.—Though it should be admitted, that Mr. Lawrie and others had ever so much merit for their activity to discover the conspiracy ; yet it would not follow from thence that I was inactive.—Though Mr. Gilibert should be allowed to have made the first discovery of the conspiracy ; yet it might be very true, that I was also extremely diligent to detect it.—Nor would it be any proof of my inattention, either to the detection of the conspiracy or the prevention of its ill effects, that I was not bountiful enough in my commendation of Mr. Gilibert, Mr. Lawrie, and the rest, to the King's ministry.—Yet it is by such assertions only, that my accusers pretend to shew, wherein it was that my neglect appeared.

The proof of the charge is even still more astonishing and defective. It is simply the copy of the detected letter from the governor of Cartago to Dillson the Mosquito chief, authenticated by Mr. Gilibert. Is it not an insult upon the understanding, seriously to offer as the evidence of my inattention to the settlement, a letter, which is not pretended to contain more than a proof of the conspiracy against it ? Is it possible to imagine any thing more completely inapplicable to the crime I am charged with ?

The charge against me being so strange, and both the facts asserted and the proof adduced being thus foreign to it, I am doubtful, whether to defend myself against it may not be thought, not only premature, but giving unnecessary trouble. But I am so conscious of having diligently discharged my duty on the occasion alluded to, and there is so much false statement in the allegations of my accusers on this head, that I cannot resist the temptation
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of laying before your Lordships some few observations tending to prevent an unjust idea of the real facts.

I do not pretend to have first discovered the alledged conspiracy ; but I cannot join with my accusers in attributing that merit to Mr. Gilibert. The first discovery was made in September 1769 by Mr. Abraham Tonoston, who received his intelligence from Israel Sylla the Mosquito admiral. This appears not only by my diary in the hand writing of my secretary the reverend Mr. Warren, and by letters to me from Mr. John Potts, Mr. Alexander Patterson and Mr. Tonoston of the 11th and 16th September 1769 (*k*) ; but is acknowledged in a memorial from the windward part of the Shore to Governor Trelawny, dated the 7th of the following October, and signed as well by *Captain Lawrie* and *Mr. Gilibert* as many others. The words of one part of the memorial are these : “ *Israel Sylla* the Molatto admiral gave the first “ *information to Abraham Tonoston* an inhabitant in the “ following manner ;” and the memorial minutely describes the whole plan (*l*). Thus out of the mouth of my principal accuser Captain Lawrie, and Gilibert himself, I prove, that Gilibert did not, as my accusers now say, make the first discovery, but that the whole plan of it was first discovered by others. True indeed it is, that Gilibert did procure from Dillson the original Spanish letter to him. But the *same memorial* proves, that this service was not performed till some time after ; for it takes notice, that Dillson “ then refused to deliver the Spanish letters(*m*).” All this being considered, what will your Lordships think of the veracity of Captain Lawrie and Mr. Gilibert, for asserting to your Lordships, that it was the “ Spanish go-

(*k*) App. No. 18, 19, 20. (*l*) App. No. 21. (*m*) App. No. 21.

“ verner’s

“ vernal’s letter, which made the first and only discovery
 “ of the mischief intended ; and that *until this letter was*
 “ *obtained there was no evidence whatsoever of the conspiracy?*”

The assertion, that *the settlement alone was active*, is not only without any proof, but can be disproved by many authentic papers. When I first received the intelligence of the conspiracy, which was by the three letters from Messieurs Potts Paterfon and Tonoston dated the 9th and 16th September 1769, but not delivered to me till the end of the month, I was ill of a violent inflammation of the bowels. But I soon recovered, and shewed every attention in my power, to prevent the ill effect dreaded from the union of the Mosquito Indians with the Spaniards. I made such enquiries, as convinced me of the truth of the intelligence sent to me. On the 9th of October I wrote to Mr. Tonoston : and mentioned that illness had prevented me from coming to the part of the Shore, where the conspiracy was carrying on ; and that I should go there the first opportunity (*n*). I also explained, what farther information I wanted, and inclosed a letter for Admiral Dillson to deter him from the schemes he was engaged in (*o*). I also wrote on the same day separately to Mr. Pott and Mr. Paterfon. The former I acquainted, that his intelligence was certainly true ; that I should spare no pains to prevent any evil to the settlement from the Spaniards and Mosquitoes ; and that, as I was nearly recovered, I should be his way very soon (*p*). My letter to Mr. Paterfon was partly to the same effect (*q*). A few days after, so convinced were the settlers of my anxiety to take an active part in every measure, which could tend to their security

(*n*) App. No. 24.
 (*q*) App. No. 22.

(*o*) App. No. 25.

(*p*) App. No. 23.

and welfare, whether by guarding against the ill designs of the Spaniards and Mosquitoes or otherwise, that they wrote to me in the most handsome terms. They recommended to my care the petition to the throne, which I have before had occasion to mention. They told me, *they were certain, no gentleman whatever knew better than myself what a valuable country the Mosquito shore is, and its great importance in several respects to Great Britain; and they requested me to represent in a proper light to his Majesty every thing necessary to obtain relief for the settlement in its then most distressful and alarming situation (r).* Within two days after receiving the petition to the King, I sent it with a dispatch to Lord Hillsborough, then Secretary for the American department. My letter on this occasion explained the dangerous designs of the governor of Cartago in his intercourse with the Mosquito Indians, assured his Lordship of the truth of the distresses represented by the petition; pressed for the immediate attention of government to the Mosquito Shore; declared it to be my opinion, that the settlement was in danger of being lost, unless some farther means were taken for its protection and encouragement; and inclosed a plan of such regulations, as had occurred to me with that view. This letter was dated the 19th of October 1769, and on the 14th of the following month, being then possessed of the original Spanish letter, which Mr. Gilibert obtained from Admiral Dillson, I inclosed it in another dispatch to Lord Hillsborough. I at the same time apprized his Lordship of my preparing for a tour over the country, in which my chief object was to collect a fuller account of the negotiation between the Spanish governor and Dillson the Mosquito chief,

(r) Appen. No. 28.

to disappoint their schemes, and to prevent the alienation of the Mosquitoes from the English. Accordingly I sailed from Black River in December 1769, and made a complete voyage to every part of the Shore, which by the time of my return had occupied above five months. What passed during this long time is very particularly explained in a diary, which was kept by the Rev. Mr. Warren, my secretary; the original of which in his hand-writing I have to produce to your Lordships. This will shew, that I was most diligently employed in the public service from the beginning to the end of the voyage. I held conferences with many of the Mosquito men, especially with their king and chiefs; I distributed presents among them; and I exerted every influence, and used every argument in my power, to keep them attached to the English government, and to prevent combinations with the Spaniards to our prejudice. Nor were my labours unsuccessful. I gained a farther knowledge of the past correspondence between the Mosquito men and the governor of Cartago; and I explored their future designs. To prevent any farther attempts on the Mosquito men to the injury of our settlers, I sent my secretary with letters to the governor of Cartago, and the teniente or lieutenant of the settlement of Rio de Matina. From the latter I was so fortunate as to obtain apologies for what was past, and an assurance to avoid in future giving any cause for like complaints. In return it was promised on my part, that I would protect the Spaniards from Mosquito violence: and before my return from this tour, I gave proofs of my sincerity; for I prevented an attack upon the Spaniards at Matina, and a general ravage along their coast, to which the Mosquito Indians in the change of their temper

temper had been encouraged by a Mr. Jones from Jamaica. This too I effected, when a Mosquito fleet was actually out at sea under sail for the purpose ; and so anxious was I to disappoint the mischievous project, that I accompanied their fleet in its return home. I also afterwards prevented another similar expedition. Lastly, as I went along the Shore, I enquired into the general state of the settlement, prevented other mischiefs, and made a tender of my services to the settlers, wherever I found any. Such were my labours in the public service during this voyage ; to which it is fit to add, that it was not performed without my enduring great hardships, and being exposed to every inclemency, every want of accommodation, extreme fatigue, frequent want of necessaries, and shipwrecks. These operated so much on my secretary, Mr. Warren, that he at length became so ill as to be incapable of proceeding with me ; and after wearying out all those who were with me, I was much hurt in my own health ; all which is noticed in his diary and letters on the occasion.

From this detail it may be seen, how very unjust it is to charge me with negligence and inactivity in the affair of Admiral Dillson's conspiracy with the Spaniards. Instead of meeting with accusation, I expected some praise, for the unceasing attention with which I pursued the business from the first moment of its occurring, and for the painful exertions to which I submitted. Nor was I disappointed : for though the representation of my conduct to his Majesty passed through Sir William Trelawny, which surely was not the most favourable medium for me, yet my services were so satisfactory, that his Majesty ordered that they should be honoured with his gracious approbation. It also appears, that at the time, those,

who now accuse me, so far from indicating the least dissatisfaction with my conduct, did on the contrary give me strong proofs of their confidence in my zeal for the welfare of the settlement. Your Lordships will judge, whether in renouncing their first opinion they act on reasonable and proper grounds, or from interested motives.

In supporting this charge, my accusers have found fault with my making Black River my chief place of residence. Their objection to Black River is, that it is on the westward extremity of the Mosquito country; and that the Mosquito king and chiefs reside in different precincts, distant 40, 60, 80, and 100 leagues to the Eastward, in a country covered with wood and water, without highways or any established posts for giving or bringing intelligence. But in a passage immediately following, they answer their own objection, by explaining my headquarters to have been at the *largest* of the settlements. The settlement at Black River being the principal one, was not that of itself a reason, why it should be preferred by me, whilst I had the honour to be superintendant and commander in chief, and consequently principal officer of the crown on the Shore? Is it not more fit, that the superintendant and commander in chief of our settlement on the Shore should so reside, than plant himself among the Mosquito Indians only? Besides, my accusers well know, that the King's house, which is the place where all public business is usually transacted, is at Black River; and that former superintendants have ever made it their chief place of residence. I might ask too, whether their example is not followed by Captain Lawrie, the leader of my accusers?

To this censure of me for residing at Black River, my accusers have added, that in such a situation it was impossible to execute the duties of my office ; and have so expressed themselves, that without explanation any person might suppose me to have been perpetually resident at Black River, and wholly to have neglected that part of my office, which concerns our intercourse with the Mosquito Indians. But this groundless insinuation only serves to give me the opportunity of stating, what otherwise might seem an unbecoming display of my zeal and activity in the public service. My arrival on the Mosquito shore, after my appointment, was the 19th July, 1768. I left it on receiving orders to return home the 25th of July, 1776. But so far was I from indulging myself in a quiet residence at Black River, that between these two periods I performed *thirteen voyages*, which, accounting from my embarkation to my return, occupied *almost three years of my time*, and employed *twenty different vessels*. All these voyages too were undertaken in performance of what I conceived to be the duties of my office ; three having been to Jamaica to transact official business with the government there ; and the remaining ten having for their object a visitation of the various parts of the Mosquito Shore and country ; as will appear by the annexed table of voyages, which accurately states the intention, and effect of such voyage, when I embarked and returned, the vessels made use of, and the casualties I met with ; to which is added a reference, explaining where the vouchers are to be found (s).

(s) App. No. 76.

SECOND INSTANCE.

The second article of the second general head of charge accuses me of,

“ Concealing and suppressing, in the said month of
 “ June, 1771, the governor of Jamaica’s commission, in-
 “ stituting and appointing a new set of magistrates for the
 “ Shore ; whilst at the same time he published his excel-
 “ lency’s writ of quietus, dissolving the former magis-
 “ tracy, whereby he rendered property insecure, delayed
 “ the operations of justice, and reduced the settlement to
 “ a state of anarchy and confusion ; which alarming si-
 “ tuation impelled them to form themselves into a volun-
 “ tary body politic, and to choose conservators of the
 “ peace for the preservation of order and justice, until
 “ they could obtain redress from the said governor of
 “ Jamaica.”

A N S W E R.

The State of Facts contains the same charge with more explanation. Particularly it asserts, that no new commission of the peace was promulgated, nor were any new justices sworn in, although the superintendant was then in possession of the governor of Jamaica’s commission appointing new magistrates.

It also gives an account of the two papers called Public Acts, both of which are dated the 28th of June, 1771.

By the first the subscribers, said to be forty-two in number, and describing themselves to be the major part of the colony, formed themselves into a body politic ; and thereby actually appointed Captain Lawrie, with Messrs. Hewlet, Hewm, and Bourke, all of the number of my accusers, conservators of the peace for the distribution of justice ;

justice ; and also appointed Mr. Philip John Morris, another of my accusers, clerk of their sessions. By the second, they added nine others, as a committee to act with the four conservators of the peace, in representing the state of the colony, and otherwise.

But as to the proof of the assertions, by which they attempt to criminate me in this instance, and to justify themselves for their bold usurpation of the government, the only evidence referred to is their two public acts, and an address from themselves to the governor of Jamaica, dated the 28th of September in the same year.

The anxiety with which my accusers add their own exculpation to this article of charge, betrays its true spirit, desperate *recrimination*, aiming to transfer to me the guilt and consequent mischiefs, which they knew to belong to themselves. Conscious that their erecting themselves into a body politic, and constituting a court of justice, were an usurpation of some of the highest powers of the crown, and amounted to a revolt from the established government; they pretend, that they were impelled to all this by my misconduct.

But as their own words imply a confession of their crime, so I will expose to your Lordships the falseness of the pretences, by which they attempt to excuse themselves at the expence of my innocence.

The real facts are these : the governor of Jamaica, in a letter to the late Mr. Pitt, dated the 6th April, 1771, inclosed a supersedeas or quietus of the commission of the peace then in force on the Shore, and also a new commission of the peace ; with one *dedimus potestatem* to Captain Lawrie and Messrs. Hewlett and Hewm, to swear in Mr. Pitt, who was named *custos rotulorum* ; and
another

another to Mr. Pitt singly, after having been qualified himself, to swear all the other magistrates. The letter to Mr. Pitt and the two dedimus are in the office of the Secretary of State for the American department. The new commission is also ready to be produced to your Lordships. Mr. Pitt did not receive the letter with the inclosures till the 23d of April, when he was in a dying state. On the 26th he actually died, without having promulgated or put in force either the new commission, or the quietus of the old one; which is not surprising, as he was at the point of death, and it would have been indecent, for any of the few, who knew it, to have urged him on the subject. Mr. Pitt's will appointed Mr. John Pitt, Mr. Hewlett, Mr. Bode, and me, his executors; and it was in the character of executor, that I first came to the possession of the new commission and the quietus of the old one, with the two dedimus; though I had seen them before Mr. Pitt died, as they lay on his bed, as had Mr. Thomas Marriott Perkins, one of my accusers, and as I believe some few others. Mr. Pitt's death having rendered it impossible to put the new commission in force, as he was the only person authorized to swear in the magistrates named with him in it, I was anxious to keep the quietus of the old commission as secret as possible, till the governor of Jamaica should send a proper authority for qualifying under a new one; least all justice should be suspended on the Shore. But it did not depend on me alone, whether the quietus should be generally known; because I was not the only person who was informed of it; for it was not only known to some few before Mr. Pitt's death, as I have before mentioned, but was afterwards seen by Mr. Hewlett, my co-executor, in the course of
our

our examination of Mr. Pitt's papers. However I did not fail of doing all in my power to promote acting under the old commission. I kept back the quietus during the whole month of May and till the latter end of the next month, as they acknowledge ; and would have kept it longer, if some of my accusers had not insisted on my parting with it. To remove the pretence of not holding a court at the usual time for want of the old commission, I informed Mr. Hewlett by a note, in what part of the house of Mr. Pitt, in whose custody the commission had always been, I thought, that Mr. Hewlett would find it. He accordingly did meet with it immediately, and the same day the court of quarter session was assembled. But the justices present, who were only Messrs. Hewm Bourke and Hewlett, three of my accusers, declined doing any thing, except adjourning themselves to September. They immediately after came to my house, and peremptorily demanded the quietus. I argued with them on the subject, strongly pointing out to them, what evil consequences would arise, if I complied with their requisition, and if the quietus was made public. I particularly laboured to convince them, that the quietus could not be meant as an affront to them ; because they were equally named in both commissions, and the true cause of sending a new one was the interpolation of a name in the old one, which had rendered its validity doubtful. But they, instead of yielding to my persuasions, declared, that they would act no more under the old commission, and repeated their demand of the quietus with a threat to write to Jamaica, if I refused it. This ended the dispute ; for, unless they would act under the old commission, it could be of no service to withhold the quietus, and

therefore I at length reluctantly surrendered it into their possession, upon which they read it and soon left me. About an hour after, Mr. Philip John Morris, who had acted as clerk of the peace under the old commission and is one of my accusers, came from them, with an unsigned paper in his own hand writing and dated the 25th June 1771. The purport of it was similar to the first of the two papers, which my accusers give an abstract of in their State of Facts. But according to my note of its contents made from memory the day it was shewn to me, the paper was more offensive in terms than appears from their softened representation; for besides the erecting themselves into a body politick, and electing magistrates to distribute justice, my note is more explicit, adding as a farther part of the confederacy, that they should make laws and execute both them and the King's. The difference, however, is not of great importance; the papers as stated by my accusers themselves seeming to imply as much. With the papers thus delivered to me by Mr. Morris, he brought a message from the inhabitants assembled, that they had sent it to me first out of compliment. I was shocked at the proposition of my signing the paper. But I saw such a determined system of desperate union amongst those who sent to me, that my attempting singly to resist their proceedings would have been vain and only have exposed me to insult; and therefore I contented myself, with sending a message in return, signifying, that the Colony had my warmest wishes for its welfare, but that the paper sent to me was not such as I could sign; a copy of which message I now have in the words in which I wrote it for Mr. Morris. On this refusal the revolvers subscribed the first of their publick acts, and three days after the second;

cond ; and with no other authority, than a popular election at one of the unlawful assemblies I have mentioned, did Messrs. Lawrie Hewlett Hewm and Bourke presume to hold courts, and distribute both criminal and civil justice under the name of conservators of the peace.

From this state of circumstances, on which the present article of charge depends, which will be found to agree with the journal I wrote at the time, now in the office of the Secretary of State, I trust, that my innocence, and the guilt of those, who accuse me, will equally appear.

One point, of the charge against me, is concealing and suppressing the new commission of the peace, with words in the State of Facts, which explain this concealment and suppression to mean, that it was in my power by promulgating the new commission to have had the magistrates sworn in. Indeed this latter is the sting of the charge ; for failing to promulgate the new commission could not be blameable, unless it could be promulgated with effect.

But the very terms of the dedimus, sent with the new commission to qualify the magistrates under it, most demonstrably exculpate me. They shew, that Mr. Pitt was the only person authorised to swear in the new magistrates (u) ; but as he died before he executed his authority, it was become impossible to put the new commission in force. Consequently as promulgating the new commission, in order to swear in the new magistrates, could not have attained that end ; it could not be a fault in me to have omitted so doing. In truth I had no more to do

(u) App. No. 39.

with the new commission than the other executors of Mr. Pitt. It was not intrusted to me or them by the governor of Jamaica, nor could I put it in force any more than they, nor could any other person put it in force. It was sent to Mr. Pitt, and by his death came into the joint custody of his executors, of which I happened to be one. But any person, from the manner of charging me, would suppose, that the new commission was sent to me to be promulgated, and that by not so doing Mr. Pitt was prevented from acting; whereas in fact it was sent to Mr. Pitt, and it did not come into my possession till after his death. I am not astonished, that my accusers should misrepresent and attempt to mislead; but really that they should practise deceptions so easy to be exposed, is almost unaccountable.

The other part of the charge is, that I published the quietus dissolving the former magistracy, and so left the Shore without any court to administer justice. But it turns out, that I was most studious in endeavouring to prevent the publication of the quietus; that even by their account I kept it for two months; that I encouraged holding a court under the old commission, and pointed out where Mr. Hewlett would find it; that I argued with those who accuse me of publishing the quietus against such a measure; and that they extorted it from me. Nay what is still more extraordinary, in the State of Facts they add to their accusation, what of itself shews, that they were the authors of the publication of the quietus which they so much complained of; for in that they actually acknowledge having demanded the quietus from me.

Both points of this charge thus failing my accusers, they are left without any excuse for illegally erecting a government

vernment and courts of justice. The pretence for the usurpation is, that they were driven into the measure, by my having dissolved the only magistracy existing on the Shore. But when they explain themselves, it appears on their own shewing, that they were the authors of the distress from want of a legal magistracy, which they so confidently impute to me.

It is remarkable, that not only this, but every other charge, which has been brought against me, was fabricated about the period I am now adverting to, namely, immediately after my refusal to subscribe my name at the head of the confederacy of my accusers for usurping the government. Much comment is not requisite to account for their thus timing their accusation. From my avowed disapprobation of their measures, and from the duty of my office, they knew, that I should embrace the first opportunity of representing their criminal association both to the King's ministers and to the governor of Jamaica. It was therefore deemed good policy to make such haste in framing charges against me, as to prepossess the governor of Jamaica against my unavoidable accusation of them. Nor did they lose any time in endeavouring to effect their purpose; for, according to their State of Facts, captain Lynn of his Majesty's ship Garland, came from Jamaica in September 1771, being only two months after the revolt, to inquire into the state of the colony; and their address to the governor of Jamaica with the original charges against me bears date the 28th of the same September. But notwithstanding their expedition, and though they were so secret in framing their accusation against me, that I had not any knowledge of their charges till near three years after, yet I was before hand with them; for my dispatch to lord Hills-

Hillsborough, which gave the first account of the confederacy and revolt, was inclosed in a letter from me, dated the 25th of the preceding July; and I also wrote a letter to Captain Lynn four days earlier in date than their accusatory address to the governor of Jamaica, apprizing him, that the newly elected conservators of the peace were on the point of holding a session, and claiming his interposition to assist in preventing so dangerous an assumption of power (v). This letter, which was soon known to them, most probably operated so as to expedite the completion of their projected charges against me.

My accusers have thought fit to take notice of the neglect and contempt, which the present and the other charges against me met with from Sir William Trevellyn, to whom they appealed for redress. But they prudently attempt to conceal the letter, which his Secretary wrote by his order on the occasion. This letter I have before mentioned in answering one of the preceding charges, and it will be necessary to introduce it to your Lordships in a subsequent part of my defence. But it is here particularly applicable; because it contains a direct exculpation of me on the present charge, and as direct a condemnation of my accusers. The letter is dated about three months after the complaints against me, and is addressed to Mr. Daniel Hewlett, one of my accusers. It blames the conduct of him and his two associates Messrs. Bourke and Hewm in several instances, more particularly for a "*demand* of their quietus, when the death " of Mr. William Pitt had put it *out of their power* to " requalify," and for their acting as justices " without au-

(v) App. No. 49.

"thority,"

“thority,” terming it “their immediate compliance with
 “a very irregular application, the *pretended* necessity of
 “which was of *their own creation* (x).”

This judgment of Sir William on the charge in question carries with it the more weight ; because it comes from the person, who had issued the new commission and the quietus of the old one, and consequently was particularly qualified to decide a charge founded on their intention.

In sustaining this charge, my accusers have thought fit to change the terms of it. Originally my crime was stated to be concealing and suppressing the new commission. But they now say, that I ought to have concealed both that and the quietus of the old one. To this I answer, that after Mr. Pitt's death, when it was become impossible to qualify under the new commission, I should be glad to have done so. But an intire concealment was out of my power, the fact being known to others as well as me, without any such original disclosure of it as is unwarrantably imputed to me ; and finally my accusers compelled me to promulgate what they now affect to wish to have concealed.

My accusers found some animadversion upon me, as if I had possessed myself of the new commission and the quietus of the old one in Mr. Pitt's life-time, and concealed them from him. But I absolutely deny this afterthought assertion, and call on them for proof. The fact was as I have already stated, that the commission and quietus, being directed to Mr. Pitt, came into and continued in his possession till his death, and then came into

my possession as one of his executors. I remember, that they were found by my co-executors and me in searching amongst Mr. Pitt's papers after his death, and that by my particular desire I was permitted to take charge of the commission and quietus, as papers which did not concern Mr. Pitt's estate and might do mischief, if they were publickly known, before we heard again from Jamaica.

My accusers would insinuate, that I was the cause of its being first known, that there was a quietus, by affrontingly signifying as much to Mr. Hewm in Mr. Pitt's life-time. But the truth is, that the coming of the quietus was before known to others, who had been with Mr. Pitt, particularly to Mr. Marriot Perkins. Besides I was so far from mentioning it in an insulting way, that I took notice to Mr. Hewm of his being in the new commission; nor did I then know whether Mr. Pitt might not live long enough to qualify the magistrates under the new commission. Also nothing could be farther from my intention, than that he should publish after Mr. Pitt's death what I really said to him in confidence before, and so assist to destroy the old commission before the new one could be put in force. My subsequent conduct proves my anxiety to prevent making mischief.

As to Mr. Perkins's questioning the authority of the old commission, which is another of the new assertions of my accusers to make good their charge, it is sufficient to observe, that they do not pretend to say he had his information from me, or that he so acted by my encouragement; though if it had been so, as he is one of themselves, they must have heard as much.

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My accusers insinuate, that I might have proposed some expedient to prevent the distress from promulgating the quietus of the old commission. But their demand of the quietus was so peremptory, and accompanied with such circumstances, as destroyed all expedients and left me no doubt of their being fixed in their resolutions. What proves to a demonstration their being predetermined on the revolt is, that the instrument of revolt was brought to me within an hour after having extorted the quietus from me. In so short a time it was scarce possible to have fairly copied a paper of such length. Forming the new plan of usurped government must surely have required a much longer time. The expedient, which my accusers suggest, namely, swearing in the new magistrates, was certainly impracticable; because Mr. Pitt, the only person authorized to do this, was already dead.

THIRD INSTANCE.

The third article of the second general head of charge is thus described:

“ Refusing to act in his proper sphere and capacity,
 “ when applied to for that purpose by Mr. John Christop-
 “ her of Mustee Creek on the 4th and 5th of August
 “ in the said year 1771, complaining to him of the in-
 “ justice of General Tempest, an Indian chief, by making
 “ prize of some Spanish Mulattoes, who were employed
 “ in bringing him some sarsaparilla and other goods,
 “ and of his seizing on the said goods. But when he
 “ thus requested the said Robert Hodgson, Esq. to in-
 “ terpose as his Majesty’s superintendant, and obtain the
 “ liberties of the said Spaniards, and redelivery of the
 “ said goods, the said superintendant wholly rejected the

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“ latter part of this request, by which means the said
 “ Mr. Christopher lost his property, and the free and open
 “ trade of the colony with the Spaniards was evidently
 “ endangered and distressed.”

To support this charge the State of Facts refers to the affidavit of Mr. Christopher the complainant himself, and gives an account of two conversations between him and me, which he undertakes to represent verbatim as it passed.

A N S W E R.

I really believe, that very little of the conversation related passed between Mr. Christopher and me. But it is not necessary to my defence to contest that point with my accusers. It is enough for me, that my conduct in the affair was justifiable and proper.

The charge itself admits, that I so far interposed myself with General Tempest, as to procure from him a release of the Spanish prisoners. It also appears from the State of Facts, that I was not tardy in my application for this purpose; the State of Facts representing, that the complaint was not made to me till the 4th of August 1771, and that when Mr. Christopher came to me the next day I had obtained a promise for release of the Spaniards.

The only pretence for complaint is, that the redress I obtained was short of the injury; and that the *sarsaparilla* and other goods, which, from Mr. Christopher's letter to me on the subject, I understood to have been obtained for goods valued at twenty-nine pounds two shillings and six pence Jamaica currency ought to have been also returned(z).

(z) App. No. 48.

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But I submit to your Lordships, that I was well warranted in not insisting on the restoration of the goods.—One of my reasons for submitting to Mr. Christopher's loss of his goods was, that, if I had made a point of this, it would have endangered a breach with the Mosquito chief; which would have been particularly impolitick in the then state of the colony, this affair happening so soon after the revolt of the colony explained in my answer to the article of charge immediately preceding. This appears even from my accusers; for according to their State of Facts, I told Christopher, that "I would not break with the Mosquito general;" and that "if I did, I should not have one man on the Bank to back me." Another reason was, that the trading between Christopher and the Spaniards was illicit, all trade between them and us being prohibited by the Spanish government; which was well known to the Mosquito Indians; and consequently it was a subject too delicate for me to go to extremities upon, from considerations, which will be very obvious to your Lordships.—The small value of the property seized, which did not amount to quite twenty guineas sterling, unless I misunderstood Christopher's letter, would have been also a reason for not pushing the claim too far with the Mosquito chief, if other reasons had been wanting.

FOURTH INSTANCE.

The fourth article of the second general head of charge imputes to me,

"Monopolizing the greatest part of the Spanish trade
 "to his own use and advantage, whereby the individuals
 "of the colony are much injured in their mercantile
 "interest, as well as the public character of superin-

“ tending dishonoured and disgraced, by being degraded
 “ into that of a private adventurer; in which character
 “ he invades their mercantile liberties and rights, and
 “ stagnates the course of trade within his own channel,
 “ in violation of his duty and the intention of his ap-
 “ pointment, which is certainly and evidently to pro-
 “ mote the good and welfare of the settlement.”

To prove this charge the State of Facts gives the extract of a letter alledged to have been written by me to Mr. Christopher, and already observed upon by me in answering the charge of swearing an affidavit some time after my arrival on the Shore. The State of Facts also refers to an affidavit made by Mr. Christopher, to authenticate his having received such a letter, which is the only evidence offered.

A N S W E R.

It is observable, that the charge is not for engaging in Spanish trade as an illicit one. On the contrary it attacks me for intruding upon that trade to the prejudice of my accusers. It would then be going beyond the charge, if I was to justify myself against being concerned in an illicit trade. I shall therefore reserve what I have to say on that head, till I am called upon so to do by a charge to that effect.

The grand points of the charge, I am here called upon to defend myself against, are monopolizing the trade in question. But if the letter or writing quoted against me is genuine and unfalsified, which I cannot admit till I see it produced, it would not go one step towards proving a monopoly. It would simply prove, that to some degree I was engaged in the trade in question, not that my share

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of the trade was great, and much less that I prevented others from participating of it. Nay if the letter is to be believed, my views were very contracted, more with a view to supply myself and family with cattle, and to encourage the breed of them throughout the settlement, than for the purpose of a general trade; for in one part of the alledged letter, it is expressed, that "my chief intention was for cattle," and in another that I wanted a particular sort of cattle to breed out of.

The aggravation of this unproved charge of my monopolizing the Spanish trade, by representing it as a degradation of my office, is easily disposed of. Though I was under no prohibition to trade, yet I thought it unbecoming one in my station to become a professed trader. But I deny that I ever was one. The little trade, I engaged in, was to obtain on the easiest terms such things, as were necessary to the support of me and my family, without being dependent on others for the means of supply. This, I think, cannot be deemed blameable, when it is considered, that I lived in a country so thinly peopled with white settlers, that there were scarce more than 200 white persons in the whole; one in which, the most necessary things were of such value, that it was generally a favour to be allowed to be the purchaser of them. Had I not so far engaged in trade, as was requisite for such limited purposes, my salary as superintendant would have ill sufficed to bear the expences of living on the Shore in a manner adequate to my situation as chief of the settlement. But even in doing this so nice was I on the subject of trade, that I always transacted such matters through other persons, and never suffered my own name to be made use of. At one time Christopher, on whose affidavit the charge proceeds, was employed for
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me to transact my small mercantile concerns. When he betrayed my confidence, I renounced him, which I presume was the cause of his malice to me ; and I resorted to others, on whose fidelity I could have more reliance.

FIFTH INSTANCE.

By the fifth article of the second general head of accusation, I am charged with,

“ Deluding the colony with many promises of doing
“ great things, and of employing the contingent money
“ for the public benefit ; whilst no part of the said contingent money has ever been expended for the use of
“ the Shore, or so much as a bush cleared away at his Majesty’s expence.”

A N S W E R.

This charge is accompanied with a reference to the State of Facts ; but the only thing applicable, in the part referred to, is a repetition of the charge as contained in an address to the governor of Jamaica, without one word of evidence to support it.

The first part of the charge is too vague in its terms to be answered. Not stating what the promises were, by which the colony was deluded, it is impossible that I should disprove the assertion. I can only say generally, that my views to the good of the settlement, by improving its internal government, and increasing its importance, so much as I otherwise should have done, were unhappily disappointed by the perverse disaffected spirit of those who are my accusers.

The second part of the charge, which asserts, that the money, allowed to the Shore by government for contingencies,

gencies, was not expended for the Shore, and consequently insinuates, that it was applied for my private use, requires me to answer with more harshness. In justice to my integrity, I am forced to say, that the imputation is a calumny, not only without any evidence offered to give it a colour, but hazarded with a malevolent design to invite Sir William Trelawny, with whom they knew me to be on very disagreeable terms, to join them in an attack on this head, and so to draw from him some ideas to work upon, and to supply their own want of topics from his information. But to his honour he treated this unworthy artifice with contempt; and notwithstanding his differences with me, he was of a nature too noble to suffer resentment to ensnare him into a false accusation. Instead therefore of encouraging my accusers to persevere in their unjust charges of me, he returned for answer to their accusatory address a severe reprehension of themselves, without so much as one word reflecting upon me. But if the baseness of the attempt thus operated with one so inimical to me, and at the same time so capable, from his near situation and connections, of discovering any misapplication of the contingent money, it coming to me immediately from and being accounted for with him, surely I may expect at least as much credit from the impartiality of your Lordships. Should however your Lordships wish to investigate, how the contingent money was employed, I have not the least objection to it; though I think it probable, that a charge of misapplication, not only unproved by any evidence, but even unexplained by any one instance, will scarce be thought deserving of so much attention from your Lordships. Had there been the least room for attacking me in this respect, it would have been
easy

easy to have stated, wherein I had failed of my duty, my accounts of the contingent money never being any secret. But I acted so faithfully, and my vouchers were so satisfactory to Sir William Trelawny, that I never met with the least affront from him on this head. As to my not doing great things with the contingent money, it was too small to admit of them. The whole sum was 500l. a year; and out of this, after the salaries to my secretary, the clergyman and a store-keeper, and allowance of rent, were deducted, only 300 l. a year remained for all other contingencies; such as particular rewards to Indians, exclusive of the general presents for which there was a distinct fund, hire for vessels for my many visits to the various parts of the Shore, and every other incidental charge. Out of so small a fund, and with other calls more necessary to be attended to, how could it be expected, that I was to clear the country of bushes and wood? Can any thing be more unjust, than to infer from my not so employing the money, that therefore it was applied for my private use?

SIXTH ARTICLE.

The sixth and last article of the second general head of charge imputes to me,

“ Illegally seizing on a Spanish vessel in Black river,
 “ on or about the 17th of October 1770; proceeding
 “ in her with a loading from the Shore with merchandize,
 “ and putting her afterwards up in appearance to public
 “ sale, whilst he had bought her in for himself, and in-
 “ timated to the colony, that he had the governor of Ja-
 “ maica’s authority for all this.”

A N-

A N S W E R.

In the State of Facts the same charge is repeated more fully from the accusatory address to Sir William Trelawny. But here again, as in the two preceding instances, not the least evidence is offered, it being plainly intended, that the accusation of my enemies to Sir William, in this as in several other of the articles of charge, should be deemed good evidence to sustain the accusation from the same enemies now before your Lordships.

But I am so conscious of the integrity of my conduct in the affair for which I am thus attacked, that, notwithstanding its being a charge without any proofs, I readily consent to enter into my exculpation with nearly the same formality, as if I had evidence to encounter.

That about the time mentioned I did seize the Spanish vessel, being a small schooner of no more than forty-five tons burthen, I confess. But I positively deny, that such seizure was, as the accusation represents, illegal. She had been deserted by the Spaniards in consequence of an attack upon them by the Mosquito Indians, who immediately made a capture of her. By the Mosquito men she was transferred into the possession of Mr. Philip Bode, an English settler. From him I seized her for the benefit of the Spanish owners. At the time I thought, that if I had not interposed by this seizure to redress the injury to the Spanish owners from this depredation of the Mosquito men, I should have ill discharged my duty as superintendant; the instructions, which accompanied my appointment, specially requiring me, "to make it the constant object of my care, to prevent any attempt that might tend to disturb the public peace, whether it should arise on the one hand from any irregular conduct

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“ duet of his Majesty’s subjects, or on the other hand
 “ from the enmity said to be entertained by the Mosquito
 “ Indians to the Spaniards.” Near three weeks before I
 the opportunity of making the seizure, I informed Lord
 Hillsborough of my intention, by a letter dated 7th October,
 1770 (a). My seizure of the schooner was made the
 25th of the same month. My certificate to Sir William
 Trelawny of the 11th of December following, when I
 sent the schooner to him at Jamaica, explained the seizure
 to be for the benefit of the Spanish owners. In his subsequent
 correspondence with me, he entirely approved of
 the seizure, particularly in a letter of the 2d June 1771.
 But what most exposes my accusers for representing the
 seizure as illegal is, that the same accusers, in their accusatory
 address to Sir William Trelawny of the 28th September 1771,
 as it is given in their State of Facts, make it a part of their charge,
 that I was “ so long before
 “ I took the least notice of the illegality of the capture”
 by the Mosquito Indians; and least I should derive a merit
 from having seized her to make restitution to the true
 owners, they there say, that I was “ at length roused” to
 this measure by the “ murmuring of the principal people
 “ of the settlement.” What an incredible inconsistency
 is this between two accusations from the same men! To
 Sir William Trelawny they accuse me for being so long
 before I seized the Spanish vessel, and assume to themselves
 the merit of having urged me to the seizure: in the memorial
 to the Secretary of State for the American department,
 the same persons denominate the seizure illegal, and criminate
 me for making it. But this is not the whole. In this contradiction
 of themselves, they are

guilty of a false assertion; for it is not true, though they positively say it, that I was roused to make the seizure by their murmurings between the 17th of October and the 25th, my intention to seize her having been declared to Lord Hillsborough so early as the 7th of the same month, being within ten days before the commencement of their pretended murmurings (*b*). At one moment it was gross neglect of my duty to postpone making the seizure: the next, making the seizure at any time was a species of official piracy and robbery; for so in one of their papers have my accusers termed it.

That I proceeded in the Spanish schooner with a loading from the Shore to Jamaica, is also true; but under such circumstances, as render it equally innocent with the seizure. I was not able to procure people to navigate her to the most likely place for meeting with her supposed owners; which was not surprising, as the nearest Spanish port was distant several hundred miles, and it was not to be expected, that any persons would engage in such an undertaking, without being sure of another vessel to return in, which was very uncertain on the coast possessed by the Spaniards. I therefore was at the expence of fitting up the schooner, which had been stripped of many necessary things before my seizure, and I engaged Mr. Israel Boardman to carry her to Kingston in Jamaica, that there the case might be laid before Sir William Trevellyn, and from him receive proper directions or obtain some means for restoring her. All this was stated in a certificate delivered from me to Sir William, a duplicate of which was also given to the collector of the cus-

(*b*) App. No. 34.

toms at Jamaica (c). As to my loading the vessel for my own use, with which I am reproached, the things I sent by her were eighteen mahogany planks and two hundred and forty-six mahogany boards ; which, as the mahogany on the Shore differs from Jamaica mahogany in being very buoyant, served as ballast, and at the same time gave some security to a very suspicious bottom. The freight of these things did not amount to forty pounds sterling ; and so far was I from seeing any impropriety in thus loading the vessel with useful things instead of mere ballast, that a regular bill of lading was made out by Mr. Boardman, the master who navigated her to Jamaica, with the usual charge of freight, that it might appear what the vessel carried, and be accounted for after deducting my own expences in fitting her out, on restitution of her to the Spanish owners (d). My taking my passage in her, as I had then an occasion to go to Jamaica on the business of my office, was, I conceive a circumstance of no consequence whatever ; for what material difference could it make, whether I went in the schooner or paid a trifle to go in another vessel ? When I arrived at Jamaica, I immediately submitted the case to Sir William Trelawny ; and though he did not act according to my expectation, yet he was far from imputing the least criminality to me, as appears by his letter to me of the 2d of June. In this letter he says, that “ the Spaniards were “ certainly injured by the Mosquito-men in the capture,” and that “ they were again injured by Mr. Bode the “ English merchant,” from whom I took the vessel. But Sir William in the same letter, when he comes to

(c) App. No. 35.

[(d) App. No. 36.]

my conduct, avoids every imputation ; merely observing from the previous circumstances, that the Spaniards " would " with difficulty conceive the necessity of my bringing " the schooner to Jamaica," without a word expressive of his own disapprobation, but on the contrary, hinting, that the steps I had taken might be justified " by a detail of " local and temporary motives (e)."

My returning to the Shore in the schooner with merchandize, which is the next fact of the charge, was equally free from criminality with my going in her to Jamaica. Sending her back was unavoidable ; because the governor of Jamaica, greatly to my vexation and disappointment, did not choose to take the charge of the vessel. In this situation, if I had not resolved to have her carried back to the Shore, I must have left her to drift about the harbour in Jamaica ; and therefore I preferred the former. I also took the opportunity of making my own passage in her ; but I am yet to discover, how it can be made criminal. As to the merchandize my accusers speak of, it principally was the property of other persons, particularly some of my accusers, in whose favour I authorised the master to take such goods ready for the Shore as so small a vessel could carry, without charging any freight. The remainder of her little cargo consisted of the Mosquito presents and things belonging to myself, which were not of consequence enough to make the freight worth calculating.

The assertion, that after my return from Jamaica I in appearance put the Spanish schooner up to sale, but in truth bought her in for myself, is perfectly groundless.

(n) App. No. 40, 41 and 42.

On my coming back to the Shore, I found myself under the same difficulty of sending the schooner to the Spanish owners, as before; and besides her condition was so bad, that her bottom was already more than half eat up by the worms. Not knowing, therefore, how to act more for the advantage of the Spanish owners, I determined to sell her for their benefit. She was accordingly sold by outcry the 21st March 1771; and Mr. John Smith, being the highest bidder, became the purchaser for 66 l. Jamaica currency. On the 29th of the same month I wrote to Mr. Bode a letter, to be carried by him to the teniente or Spanish commandant of Carpenter's River; by which Mr. Bode was desired to inform the teniente of the sale and of the reasons of it; and at the same time to signify, that I was ready to pay the purchase money to the Spanish owners at any time, after deduction of some trifling expences I had been at in the sale, on their sending proper credentials (*f*). This sale to Mr. Smith was not a colourable one, but *bona fide* and solely on his own account; of which he not only made oath afterwards at Jamaica, but also subscribed a solemn declaration to silence some ill-natured insinuations on the Shore to my prejudice. This latter paper is in very strong terms; Mr. Smith thereby solemnly declaring, that "he never received any direction or "hint directly or indirectly, or any wise collusively, "from Robert Hodgson, Esq. to buy the schooner, either "for him, himself, or any other person;" and that he was ready to make his affidavit of this, whenever it should be thought necessary. Also both the affidavit (*g*) and this declaration (*h*) the first being dated 5th June 1771,

(*f*) App. No. 58. (*g*) App. No. 43, 44. (*h*) App. No. 46.
and

and the second the 24th following, are ready to be produced to your Lordships.

The only other part of the charge is my having intimated, that I had the governor of Jamaica's authority for all this. I answer, that I had a right to avail myself of the governor of Jamaica's authority, in one part of the transaction; namely in an offer I made to pay to the Spanish owners the full value of the schooner at the time of her capture; and that I never pretended to have had his authority for any thing farther in the affair. At first I signified in the manner before mentioned to the *teniente* of Carpenter's River, that I was ready to pay the purchase money, for which Mr. Smith bought the vessel. But afterwards Sir William Trelawny sent me a letter, in which he positively directed me to acquaint the *teniente* of Carpenter's River, that I was ready to pay to the former owners the full value of the schooner at the time of capture, without any deduction whatever. In conformity to this direction, I wrote to the *teniente* the 1st July 1771, not only to pay the full value at the time of capture; but also to send back the schooner in part of such value, if the owners should choose it (*k*). On receiving from me a copy of this letter, Sir William Trelawny was pleased to return for answer, that my letter to the *teniente* had "his full approbation (*l*)."

With this sixth article of the second general head of charge concludes the memorial of the 12th of November 1773, so far as it is accusatory of me. In the remainder of it, my accusers are wholly occupied in exculpating themselves, for new revolts from the King's government,

(*k*) App. No. 45.

(*l*) App. No. 50.

and for new confederacies to continue a government and courts of their own erection. To effect this, they attempt to throw the chief blame of their proceedings on two successive governors of Jamaica; in the first instance on Sir William Trelawny, in the second on Lieutenant Gov. Dalling.

In strictness I am not bound to pursue my accusers through this part of their first memorial. But I beg leave not to quit them; not only for the sake of doing justice to the characters of the two governors so injuriously attacked; but also in order to exhibit my accusers in their true colours throughout, and thus guard your Lordships against giving faith to any of their representations.

After their articles of charge against me, the memorial states, that *all of them accompanied an address of the colony to the governor of Jamaica dated the 28th of September 1771*; and that this address requested his interposition in favour of their violated rights and to restore peace and tranquillity, which would never probably take place, whilst I had authority over them; and also explained their wishes to have his orders through any other person rather than me. It is added in the State of Facts, that this address to Sir William Trelawny was signed by *twenty-six* of the colony, being nearly the same persons as now accuse me.

The memorial next proceeds to state, how the charges against me and their requests to Sir William Trelawny were received by him.

If their charges of me had been well founded, it was scarce possible to have chosen a judge to have heard them, with more opportunity from nearness of situation to, and from continual intercourse with, the Shore, to discover the truth; I may add with more inducements of partiality to the

the accusers, with less favour to the accused. I was on extremely indifferent terms with Sir William.—From my first coming to the Shore, we had been engaged in disagreeable altercations. He was displeased with my having an appointment as superintendant of the Shore, from the crown; the nomination in the instance immediately precedent having been left to the governors of Jamaica. A controversy had arisen between him and me on the extent of my powers, and the degree of my dependency on his government. In the course of the dispute, I had experienced some acrimony from him; and even when it was settled, I felt, that it had impressed his mind with some prejudices against me.—On the other hand there had not been any cause for difference between him and my accusers; but till their address against me there was every appearance of his having an amicable correspondence with them.

My accusers were not blind to the advantage they had over me, from making Sir William Trelawny the judge of their complaints. This is evident from the principal topics of accusation, which, having an immediate reference to subjects of past differences between Sir William and me, were adapted to operate on his prejudices and to unite him in the same cause with themselves. Of this sort are the articles of the charge for acting as independent legislator and governor; each aiming to point at the controversy about my dependency on Sir William's government, and to interest him still more warmly in their favour by falsely imputing to me the most disrespectful speeches about himself. Most, if not all, of the articles for my acting as justice of the peace and chief magistrate will be found to have a like connection; for

the former appeared to be an encroachment on his commission of the peace, the latter touched upon his claim of superiority over me. The charge about my seizing the Spanish schooner is another example to the same effect. They knew, that Sir William had not acted according to my wishes, when I sent the vessel to Jamaica; and therefore they presumed, that he would cheerfully listen to a charge, which was founded upon that measure.

But this artifice, to make Sir William a party in the cause in which they addressed him as a judge, miscarried. His good sense and integrity would not suffer him to be the instrument of injuring me in such essential points, as the ruin of character and deprivation of office, without having committed any crime to forfeit either. Capt. Lynn, whom, according to my accusers, Sir William sent to inquire into the state of the Shore, received their complaints, and took affidavits in support of them. But when they were laid before Sir William, and he had considered them, he discovered, that those, who accused me, were themselves the offenders; and that their whole accusation was nothing better than a device to shift upon me, the blame of their own presumptions and unwarrantable proceedings, in disclaiming the legal magistracy, and erecting a new one in its stead. Seeing their accusation in this point of view, he did not deem it necessary to call upon me for my defence, or even to give me notice that there were any charges; and instead of complying with their requests against me, he strongly reprehended them in the words already quoted from his secretary's letter of the 8th of January 1772, to Mr. Hewlett.

Offended with this reception of their original charges against me, and to justify their subsequent conduct, my
accusers

accusers say, that the governor of Jamaica "never afforded them any redress." The real truth is, that he did redress the only grievances, which, in his opinion, existed on the Shore; the grievance from the want of a lawful magistracy, the grievance from the exercise of an usurped one, both which he in effect told my accusers were the offspring of their own misdeeds. As a cure for both, he sent a new commission of the peace to the Shore; with an injunction in his secretary's letter to Mr. Hewlett, that he should use his utmost endeavours "to prevent any ill consequences" from their illegal judicial proceedings, after forcing from me the quietus of the old commission (n).

Both in their first memorial and in their State of Facts, my accusers say, that Sir William treated their complaints against me with "silent neglect." But was it a *neglect* of their complaints to send, as they say, to receive them, to send to take affidavits in support of them? Was it a *neglect* to give them, what they confess in one of their memorials, a *solemn full and judicial hearing*? Was it a *silent neglect* to *reprimand* them by *letter*? Was it a *silent neglect* to *tell* them, that the only existing grievance proceeded, not from me the accused, but from them the accusers? Was it a *silent neglect* to inform them that he had sent a new commission as the proper redress?

Your Lordships, I trust, will see, that there is no better reason for terming all this silent neglect, than that it amounted to a strong and pointed decision against those, who so improperly misname it.

(n) See Appendix, 51.

These complaints against Governor Trelawny are a sure prelude to more misdeeds of my accusers ; it being their constant practice to affect being accusers of others, when they administer cause of accusation against themselves. Before it served their purpose to criminate me ; because they saw it was impossible for me to avoid representing their outrages. It next becomes convenient to attack him ; as well because he had condemned them for their prior conduct, as because they were at a loss for any other way of excusing their subsequent enormities.

Accordingly the next fact they state in their first memorial is, that the new commission of the peace sent by Sir William Trelawny was rejected ; and that a sufficient number of persons could not be found to make a quorum to act under it. Their memorial of the 14th June 1775 is yet more explicit, avowing, that they adhered to the police before established, when they erected themselves into a body politic ; and that they “ continued ” under their own system of “ magistracy.” For thus persevering in an unlawful magistracy, instead of accepting a lawful one ; they gave no other reason than that they were disgusted by what they call Sir William Trelawny’s “ *silent neglect* ” of their complaints ; but which I have proved to have been a decided condemnation of the complainants, on their own shewing, in language the most pointedly reprehensive of their conduct, and accompanied with an effectual remedy for the anarchy they had both caused and complained of.

The next fact stated in the memorial of November 1773 is, that, about June in that year, Governor Trelawny being dead, a fresh commission of the peace arrived from Lieutenant Governor Dalling. But this mark of
 atten-

attention my accusers call “ a fresh instance and even contempt of the colony’s supplications for redress ;” for which they give as a reason, that I was placed at the head of the commission, whom they describe to have been “ so long the aversion of the colony.” Would not any person from this language suppose, that their supplications to Mr. Dalling had been wholly aimed at me? Could any one imagine, that not one of those supplications related to me or my conduct; and that, instead of being the object of the colony’s aversion, instead of being the subject of their representations, I was the person, who at their request assisted in framing their address to Governor Dalling, who at their request conveyed it to him, and gave it all the support in my power? Is it not incredible, that what they call a contempt of their supplications was in truth a full compliance with every one of them? Yet all these things are so; nay the proof is so easy and invincible, that no ingenuity, no rhetoric, can save my accusers from the disgrace of a succession of the grossest misrepresentations.

In the beginning of 1773, the people in general, desirous to return to a proper conduct, looked up to me with hopes, that I would assist in extricating the colony from the distresses, in which the want of a legal magistracy had so much contributed to involve them. On this happy turn, even Captain Lawrie and four other principal persons amongst my accusers, though the leaders of the body politic, condescended, or rather found themselves forced, to ask leave to consult with me on the welfare of the country. I have their letter to this effect, dated the 26th January 1773 (o). From a great eager-

ness to fall into a plan of healing past disputes, and restoring a legal government to the Shore, I complied with their request, and assisted to methodize a letter, which they were writing to Governor Dalling. On the 28th January I returned their letter with my alterations; and the same day I had a second letter from Captain Lawrie and five others, in which they acknowledged having requested me to assist them, and declared themselves "much obliged" to me for what I had done (*p*). Was this treating me as if I was the colony's aversion? In a few days after, the proposed letter of address to Governor Dalling being adjusted, it was subscribed by Captain Lawrie, and Messrs. Bode, Perkins, Lister, Dodgson and Bourke, all now accusers of me, and also by Mr. John Pitt, as the sense of the principal inhabitants of the colony. This letter, which is dated in January, after presenting a strong picture of the distress and anarchy on the Shore; contained two requests. One was for "a new commission of the peace, nominating such persons for justices as might do credit to their appointment," in respect to which they expressed that "as he could not be so well informed of them in Jamaica," they presumed, "he would rather receive his intelligence from those who were more immediately acquainted with them," words clearly implying that I was the person, who was to point out, who were proper persons for the new commission. The other request was, that he would give his authority for their electing annually a council of legislature and appeal, such as is pointed out by the very act of his Majesty's council of 14th June 1744, for the bay of Honduras, on

which I had grounded my proposal to them on my first coming to the Shore. The letter then professed to leave much of the colony's matters, particularly the state of their militia, to my representations; and concluded with a declaration, that Governor Dalling's "approbation" of these proposals "would in their opinion make a distracted settlement happy," and they "would always" be devoted to him "with the utmost gratitude and the most profound respect (9)."—This well considered letter, which was intended to obliterate all remembrance of the past, I delivered to Governor Dalling immediately on my arrival at Jamaica; and he proved, how pleasing this change of disposition in the settlement was to him; for he most handsomely conformed to the whole of their requests without the least reserve. That he so acted will appear from his answer, which is dated the 19th of April, 1773, and addressed to the same persons, as had subscribed the letter to him. In this answer he tells them, that "he was ready to concur with them in remedying the evils they complained of;" that for "that purpose he would agreeably to their request, issue a new commission of the peace, and nominate such persons as I should recommend fit for and who should do credit to the appointment;" that "he much approved of their intending to elect annually twelve persons to be as a council for the several purposes mentioned in their letter; and farther that "he should direct the military arrangement from representations of me the superintendant, not only because they desired it, but because he had a full dependence on my candour, sincerity, and attention to the good of

(9) App. No. 55.

“ the settlement committed to his charge.” It concludes with the words following: “ As nothing can afford me
 “ higher satisfaction, than having an opportunity of rendering your situation easy and happy, I must in a particular manner recommend a due and proper subordination to the superintendant ; and a hearty concurrence
 “ with each other in every thing that may appear for the publick good ; and as I think it proper for his Majesty’s
 “ service to support him in all lawful authority, so shall I always be ready to give attention to the just complaints of the people and redress their grievances ; and
 “ should there arise at any time, which I hope there will not, any cause of complaint, I beg you will make me
 “ acquainted with it immediately, and not through any person or agent here (r).” With this encouraging and explicit letter governor Dalling sent a new commission of the peace with my name at the head of it as *custos rotulorum* (s).

It is now time to intreat your Lordships to compare these uncontrovertible truths, with the misrepresentations of my accusers. They insinuate, that my misconduct was the subject of their supplications to governor Dalling. But their own letter to him proves against themselves, that not one of their supplications, not one of their complaints, was levelled at me. They describe me as the colony’s greatest aversion at the time of sending their supplications to governor Dalling. But their own letter proves, that the colony at that very time reposed their chief confidence in me ; that I was the person, who by their own desire assisted in framing their supplications,

(r) App. No. 58.

(s) App. No. 59.

who by their own desire, was personally instructed to convey those supplications and to support them by my representations. They represent it as an insult to them to name me in the commission of the peace. Yet their own letter proves, that I was the person to whom they particularly referred governor Dalling for proper persons to fill the commission with.—They charge Mr. Dalling with a neglect and contempt of their supplications : but it is proved, that he granted every one of them. They asked for a new commission of the peace ; and he sent them one. They desired him to consult with me the superintendant about the persons proper for this commission ; and he accordingly did consult with me, and named those I recommended, adding me to the number, as well out of respect to my office on the Shore, as because the settlement, by intrusting me in preference to all others, appeared to Mr. Dalling to have most confidence in me. They requested his authority for electing a council ; and he complied, by returning his approbation of the measure. They tell him, that they had left much of the colony's matters, particularly the state of the militia, to my representations ; and he answered that he had directed the military arrangements from my representations ; not merely, because he was pleased to think favourably of me, but also because they desired it.—Thus your Lordships see that the real state of the case is most completely the reverse of what my accusers represent ; for they say, that he treated every one of their supplications with neglect and contempt ; but the fact is, that he literally granted every one of them, in the most handsome, the most obliging, and the most explicit manner. Nay he even went beyond their present supplications, encouraging them to

more, by a most liberal promise to be always ready to hear future complaints and redress future grievances; and urging them, if any cause of complaint should arise, to give him the most immediate information of it (1).

But here it may be asked, why should my accusers thus unjustly charge governor Dalling with neglect and contempt of their supplications?

The next passage in their memorial of November 1773 will lead to an answer to this question; and shews, that they caluminate him, to hide their own most illegal and violent measures; for it acknowledges, that they rejected the new commission of the peace, which governor Dalling had granted at their own request; refused to act under it; and as I shall presently have occasion to prove to your Lordships, plunged into a more serious, a more wanton, a more extensive, a more criminal, a more aggravated, and also a much longer continued revolt, than that, from the anarchy of which they the moment before had so earnestly intreated governor Dalling to deliver the colony.

In their first memorial, and their State of Facts, they simply state, that, from resentment of my being named at the head of the new commission of the peace, only one besides myself could be prevailed upon to act; in consequence of which the colony was as void of order as before.

But this can convey little idea of what really passed; and as the transactions, which followed governor Dalling's sending a new commission of the peace, were the true cause of criminating me to his Majesty, by a revival

of the stale accusations addressed two years before to Sir William Trelawny, it is very proper, that your Lordships should be rightly informed of them.

It was on the 7th of May 1773, that I arrived on the Mosquito Shore from Jamaica with governor Dalling's answer to the requests of the colony, and the new commission of the peace. The new commission was immediately put into force, and every justice named in it except one qualified(*u*). On the 12th of the succeeding June, a council of legislators and appeal was elected by the colony(*v*), though not altogether in the regular manner I could have wished. On the 21st of the same month the elected persons met, and, without the least previous notice, suddenly requested to see me; and when I was with them unexpectedly produced the form of an oath of office, which they required me instantaneously to administer to them. I declined so doing, till I had considered it, and then left them. This produced a letter the same day, in which they termed my taking time to consider the proposed oath a denial(*x*); but I immediately wrote in answer, that it was improper to call my taking time to consider a denial, and proposed a farther meeting to settle the matter on the 25th(*y*), which was consented to(*z*). A meeting took place accordingly, when I signified, that I thought their form not expressed with due precision, nor so as to give an adequate idea of their office, and therefore offered a sketch of one prepared by myself. Afterwards the meeting broke up, with an expectation on my part, from what passed, that I should soon hear of their final resolve to accept of such an oath as I had

(*u*) App. No. 70. (*v*) App. No. 61, 63, 65. (*x*) App. No. 61.

(*y*) App. No. 62. (*z*) App. No. 63.

proposed. But on the 1st or 3d of July it appeared, that they had determined to reject both the oath first offered by themselves and the one I had framed, in the place of which they sent me a new form of oath, containing very extraordinary matter. It began, like other of their public papers now with me, with mentioning *the letter to Governor Dalling* for his authority to elect a council, and *the letter he wrote* in approbation of the measure. Then it was recited, that “ it is directly contrary to the principles of the “ British constitution, for British subjects in any settlement, “ to be there bound by laws made by an assembly in any “ other settlement or colony, when the said subjects so “ bound or attempted to be bound has no legal representations of their own electing.” It next recited, that the elected counsellors “ conceived their duty in their legislative capacity to be more full and extensive than that of “ any council they were acquainted with.” This was followed with a pompous exposition, why they were so superior to all other legislatures, and then came their idea, what was the nature of the judiciary power of the council. It farther expressed, that they “ were filled with a due sense “ of the important trust by the people committed to them “ of forming the first system of government, in manner “ aforesaid, for the peace, policy, and good order of this “ valuable and extensive country ; *as yet without any governor or council appointed by his Majesty.*” At length the instrument concluded with a solemn swearing “ to act “ and conduct themselves, while of the council of the “ people as aforesaid, conformably to all these their deliberate and foregoing recited sentiments.” Such was the oath which they proposed for my approbation, as appears from a copy, which Mr. Farrel, who then acted as
my

my secretary, made, whilst the original was left with me (a). I was immediately struck with several strong objections to the oath, exclusive of its lesser improprieties. It evidently aimed to reject the laws of Jamaica, which in practice at least had been long received on the Shore, on the principle of the colony's not being properly represented in the assembly ; a principle which indirectly struck at the supremacy of the British parliament ; to neither of which ideas had I any right to give any approbation in my official character, even though they had been my private sentiments. The positively asserting, that the Shore was *without any governor appointed by the King*, struck both at the governor of Jamaica and myself. As he claimed to be governor paramount, and that claim had been recognized in the controversy about my dependency ; and as by my office of superintendant and commander in chief of the Shore, I was at least a dependent governor under the King's appointment, I could not consistently with my duty concur in an oath, which declared that the King had not any governor for the Shore. These and other exceptions to the proposed oath were too serious to be waved ; nor, when it was sent to me, did I conceive it to be any thing more, than a declaration of intended hostilities. However the requisition to administer it was repeated by a letter of the 16th July from six of the elected counsellors (b) ; my answer to which, dated the next day, contained such objections to the oath, as were sufficient to take away all pretence for supposing that I should ever concur in it (c). Here the correspondence ended, and it soon appeared, that there was a deeply concerted scheme for involving the settlement in a new revolt, of the most alarm-

(a) App. No. 64. (b) App. No. 65. (c) App. No. 66.

ing kind. The flame burst out in the September following. In the latter end of that month I attempted to hold a quarter-session of the justices. But my accusers and their adherents effectually prevented it. Some of those, who were in the new commission of the peace from governor Dalling, though they had before qualified under it, now not only refused to act, but joined others in resolving to set both the governor of Jamaica, and me, and all lawful authority, at defiance. They acknowledge having rejected the new commission of the peace in the memorial I am now answering, and having declared it of no force. They acknowledge a great deal more, in the memorial of June 1775, namely, that they resolved to elect annual magistrates and justices for the Shore; that five were actually elected; that these five actually held courts and administered justice; that it was the determination to continue this illegal government without regard to the governor of Jamaica, till the King's pleasure should be known; that, notwithstanding the promulgation of a proclamation in the *King's name* from *governor Dalling (d)*, in December 1773, dissolving the council elected in June, and prohibiting the election of any other council, they boldly persevered in their usurped powers; and farther, that a few days after they published an instrument, by which the illegal magistracy was confirmed, and it was prohibited to act under any other authority for two years to come, or until the King should establish a government; the latter part of which alternative was clearly an artful salvo, to prevent the idea of having wholly renounced their allegiance to the crown. So much is confessed by my accusers themselves; to which I beg leave to add, that the usurpers violently dispos-

feised the legal magistracy of its place of meeting ; that they seized the records, which, as *custos rotulorum*, I had a right to the custody of ; that the election and swearing in of their elected magistrates was accompanied with so much drunkenness, drawing down cannon from Captain *Lawrie's* to the *King's* House, and other acts of riot and clamour ; that they treated governor Dalling's proclamation in the name of the King with the utmost derision and insult ; and that Captain *Lawrie*, with some others of my accusers, denied the whole of my power and authority as superintendant ; and said, that I had none, and that they did not approve of my commission. All this I can prove as well by a letter written to me at the time by a respectable clergyman, who was a spectator of the insult and disorders, as by other evidence. Your Lordships also will soon see, that this desperate usurpation of the powers of government was continued till the beginning of 1776 ; Sir Basil Keith, who was become governor of Jamaica, having issued a proclamation in the King's name against this and other enormities, as late as the 29th of December 1775 (*d*).

With the prelude to the second revolt concludes the first memorial of the 11th of November 1773. From its being dated at London, it will shew, that the instructions for it must have been manufactured and sent from the Shore a considerable time before the revolt was completed, which was not till some time in September. Consequently my accusers were secretly fabricating a sinister attack upon my character and person, and actually dispatched their emissary Mr. Gilibert, with the necessary instructions, whilst they were openly transacting with me on the affairs of the Shore, though with some appearance

of different sentiments, not with an avowal of having withdrawn that high confidence which they reposed in me, when I undertook to convey their wishes to Governor Dal-ling. Thus the injustice of a false accusation was aggravated as well by the perfidy with which it was made, as by the criminality of the revolt, to excuse which it was projected. Almost a like concealment attended their first accusation of me to Sir William Trelawny, two years before this second attack; and so unsuspicious was I of what they were doing in both instances, that, notwithstanding the long intervening time, I did not know of either accusation till above half a year after the second, when Sir Basil Keith was so good as to honour me with a friendly communication of them.

THE
ACCUSATORY
MEMORIAL
OF

The 14th of June 1775, considered and
answered.

AT length having waded through the accusatory memorial of the 11th of November 1773, and its faithful echo and companion, the State of Facts; I now come to the memorial against me of the 14th of June 1775.

This memorial was apparently designed to hasten a decision against me, on the complaints in the memorial of November 1773.

For that purpose it begins with assuming, that the complaints in the memorial of November 1773, were "fully
" and completely proved by the original evidence of the
" facts therein charged upon him." It adds, that this evidence was "transmitted" to the Secretary of State of the American department "in November 1773, by the
" council of Jamaica, who had sat as a board of enquiry
" on the reciprocal complaints of the superintendant and
" the inhabitants of the Shore, after having been furnished
" with every information as to the present state of the
" colony."—In defending myself against the memorial of November 1773, I have hitherto taken for granted, that

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there were such proofs as are referred to in that memorial and the accompanying State of Facts; and that they are not misrepresented by my accusers. Even too on that supposition, I do submit to your Lordships on the grounds already stated, that either the proofs are clearly counter-acted by more powerful evidence, or the facts proved, being explained, do not in any one instance fix upon me the criminality essential to the particular charge in question. On the contrary, I trust, that there will be found a most remarkable defect of proof to sustain the charges against me; that I have convicted my accusers, frequently out of their own mouths of a series of the most gross misrepresentations, inconsistencies, and contradictions; that throughout I have manifested the integrity of my own actions, leaving myself with no other responsibility, than for involuntary errors of judgment; and farther, that I have proved my accusers not only to be the real criminals, but also to have been treated as such by three successive governors of Jamaica, and their charges of me to be nothing better than fabrications to excuse their own misconduct.—But the real fact is, that I have not yet been able to see one of the proofs referred to in the State of Facts; and notwithstanding the assertion that they were transmitted here in November 1773, by the council of Jamaica, on enquiry I have reason to doubt, whether to this moment they have ever reached his Majesty's ministers. The only evidence against me, which has come to my knowledge, is near two months later in date than the memorial of November 1773, being the single affidavit of Mr. Bartholomew Gilibert, one of the most active of my accusers, and the emissary who was sent to London by

Captain

Captain Lawrie and the rest. Indeed this witness has hazarded to authenticate the whole of the accusatory matter, refabricated into the memorial of November 1773, and the State of Facts annexed to it, by *one general oath*; for he swears, that "the several matters," contained in those two papers, "are of universal and publick notoriety on "the Mosquito Shore, and are consistent with his knowledge and belief (*e*).^e" But I cannot imagine that the evidence of one, thus swearing by the lump to such a variety of complicated transactions and representations, will be received by your Lordships with much confidence.

If Mr. Gilibert intended by such a general oath, to take on himself a personal knowledge of every one of the numberless facts and circumstances charged against me, and to vouch for the truth of each, he is certainly exposed to great peril and danger; for then in all the instances of falsehood and misrepresentation, of which my defence convicts him and the other accusers, he will find it difficult to escape from the guilt of perjury. But if he means only to authenticate such of the facts charged, as may have come within his particular knowledge, then how are your Lordships to know, to what facts his evidence applies, or how is it possible for me to falsify it? My accusers may avail themselves of the generality of his evidence, by insisting, that it comprehends the whole accusation against me. When I disprove any particular assertion, it may be said, that he only swears so far as is consistent with his knowledge and belief, and that the assertion falsified was not relative to a matter within the scope of either. There are indeed some instances of misrepresentation and false assertion, in which he would scarce be intitled to this salvo for perjury. Both the memorial of November 1773 and the

(*e*) See Appendix, No. 69.

State of Facts assert, that Mr. Gilibert made the discovery of the conspiracy of Admiral Dillson, the Mosquito chief, with the governor of Cartago. But I have shewn to your Lordships an acknowledgment under Gilibert's own hand, that the discovery was completely made, not by him, but by another person some time before (f) Is not this swearing to a falsehood consistent with his knowledge and belief? The same memorial and State of Facts represent, that Sir William Trelawny treated the complaints against me with silent neglect. But did not Mr. Gilibert, before making his affidavit, know that Sir William, after considering the evidence adduced to sustain those complaints, wrote a letter of reprimand to those by whom they were made? Was it therefore consistent with Mr. Gilibert's knowledge and belief, that there was a silent neglect of the complaints to Sir William? The same two papers represent, that governor Dalling treated the colony's supplications with neglect and contempt; and insinuate that complaints against me were the subject of those supplications. But did not Mr. Gilibert believe, did he not know, that the supplications to governor Dalling, so far from being against me, were framed with my concurrence, and wholly entrusted to my care and support? Did not Mr. Gilibert subscribe a paper addressed to me, in which notice is expressly taken of the letter to governor Dalling, by which he granted every supplication made by the colony, and of himself's being accordingly elected one of the council (g)? Can he be excused for implicitly swearing to the contrary of this, by saying that the real facts were not consistent with his knowledge and belief?

(f) App. No. 21.

(g) App. No. 61 and 63.

It is next urged, that the whole merits of the complaints against me, as transmitted by his Majesty's council at Jamaica, had been upwards of sixteen months in the office of the Secretary of State for America ; and thence is inferred the impropriety of remitting the complaints to the governor and council of Jamaica for farther enquiry ; and that such a measure might be thought intended to protract and continue my insupportable tyranny and oppression. But at the time of this memorial, how could the whole merits be before the Secretary of State, when I had not been called upon in my defence, or even officially informed that I was accused ; when I had not had any opportunity of offering the proofs of my innocence ; when also, if I am rightly informed, even the pretended proofs of my guilt had not been transmitted to the Secretary of State ? In such a state of things, was it fair and honourable dealing to precipitate a condemnation of me ; and did not my accusers, by thus endeavouring to have me condemned, without waiting for my defence or the proofs, evince, that they dreaded the result of a full hearing ? At the time of this memorial, my accusers knew, that they had violently possessed themselves of the powers of government ; that I was wholly at their mercy on the Shore ; and that even the proclamation of the governor of Jamaica, in the King's name, against their usurped authorities, was not only unavailing, but treated with the utmost insult and contempt. In such a situation, I was exposed to their tyranny and oppression ; but it was not possible, that with the greatest proneness to both, I should have it in my power to exercise either.

The memorial, after thus avowing an anxiety to extort a premature decision, undertakes to argue the King's ministers

nisters into a persuasion, that dismissing me would be a just and proper measure, even on the supposition, that I was perfectly in the right, and that those who complained of me were entirely in the wrong. This paradoxical reasoning is what the memorial files placing the case in a new point of view.

But I will not intrude upon your Lordships so unreasonably, as to waste the time in proving, why it would be the most unheard of judicial proceeding to condemn and punish an accused person by the loss of his character and office, with an avowal, that the accused was innocent, and the accuser guilty.

The memorial then proceeds to exculpate my accusers from the criminality of their two revolts, by "the situation and circumstances, which from one step to another had led them by a certain fatality to disrespect the authority of the governor of Jamaica."

This is followed with an avowal of the two revolts, and a reiteration of the various pretences, by which the first memorial and the State of Facts had disguised the case; but more explicit and amplified in the terms, and therefore more unguarded, and more open to a clear positive contradiction.

They alledge, "that the complaints of the colony against me had been communicated to the governor of Jamaica from the beginning; but were not attended to." Yet in another paper these same memorialists say, that Sir William, the governor here meant, gave "a full, solemn, and judicial hearing;" and farther from what I have already shewn at large to your Lordships, it appears, that he sent them a new commission of the peace to redress the only grievances, which in his opinion existed on
the

the Shore, namely the want of a legal magistracy, and the exercise of an usurped one ; both of which grievances he imputes to their misconduct towards me.

Mentioning the new commission of the peace sent by Sir William Trelawny, and observing that the late Mr. Pitt was placed at the head of it, with all the praise he so well deserved, they say that under him every man would have been happy and willing to serve. But then they add, that I possessed the quietus for superseding the existing commission of the peace ; that I did not apply to the magistrates under the old commission to swear in the magistrates under the new one ; that I suppressed and published the former and delivered the latter ; and that so by my means the whole system of magistracy throughout the colony was dissolved. But every passage of this representation is already proved to be a deception of the boldest kind. Mr. Pitt died two or three days after the arrival of the new commission. How therefore could the others named in it act under him ? I did not originally possess the new quietus of the old commission, it having been first possessed by Mr. Pitt, to whom it was directed, and only coming into my hands as his executor. Was it therefore fair to insinuate, that I possessed the quietus improperly ? The dedimus, which gave the authority to swear in the other magistrates besides Mr. Pitt under the new commission, vested that authority in him singly ; and he died before he executed it. Whilst he was living, if he had been well enough, it was his office to swear in all the new magistrates except himself. When he was dead, there was no person authorized to swear in the other magistrates. What purpose then would have been answered, if I had applied to the other magistrates under the old

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commission to swear in the magistrates under the new one; and would it not have been asking them to do a thing, for which they had not any authority? My holding possession of the new commission, when it came into my hands as one of Mr. Pitt's executors, was an adventitious thing, justifiable both from the manner of my becoming possessed of it, and from the impossibility of putting it into force till there was a new dedimus. Is it not therefore injurious to me to call such a holding of the new commission a suppression of it? There is no allegation of the commission's having been demanded from me, nor was that the fact. How then could I be said to withhold it? It was not my fault, that I delivered the quietus of the old commission; for those, who accuse me of this delivery to them, extorted it from me by a peremptory demand. To whom then belongs the crime of dissolving the old commission, and leaving the Shore without any magistracy? Surely to them, who insisted on the measure; not to me, who remonstrated against, but was not able to prevent it. This was the point of view, in which Sir William Trelawny saw this part of the case, when he reprehended them for their conduct and justified me. This is the point of view, in which the evidence will present the facts to your Lordships.

But notwithstanding the facility of detecting the gross misrepresentation of the manner, in which the Mosquito Shore was deprived of a lawful magistracy, the memorial seems to risque on that foundation, and that only, a confession by my accusers, of their first revolt, and of the publick act, by which their usurpation of magistracy was announced.

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The memorial then, once more, takes notice of the complaints against me to Sir William Trelawny, in September 1771; observing also, that, hitherto, my accusers "had paid every attention and respectful submission to the governor of Jamaica," but that he "on his part had favoured them with no share of his notice." Yet these accusers are the persons who were before the wilful cause of dissolving the only existing magistracy on the Shore, by wresting the quietus of it from me; these same accusers are the persons who, in defiance of the governor of Jamaica, in defiance of all lawful authority, had before erected themselves into a body politick, and usurped the exercise of civil and criminal jurisdiction. Were such violent acts, against the authority of the governor of Jamaica, marks of attention and respectful submission to him? Yet this same governor of Jamaica was the person, from whom my accusers at other times, acknowledge to have heretofore received such repeated favours, that they could never sufficiently express their gratitude. Is this consistent with the language of the memorial? According to their address to Sir William Trelawny, my accusers received such repeated favours, as were beyond all expressions of gratitude: but, according to their memorial to the King's minister, he had not favoured them with any mark of his notice. The falsity of one of these clashing assertions by my accusers must be acknowledged; for it is not in the power of art to reconcile them.

The memorial next asserts, that, of the applications to Sir William Trelawny in September 1771, "he was never pleased to take the least notice, but permitted the settlement to remain without any legal government whatever till June or July 1772." But there is a false statement

in both parts of this allegation. Have not my accusers acknowledged, that Sir William gave a *full, solemn, and judicial* hearing to their applications; and is it not proved, by the letter from Sir William's secretary to Mr. Hewlett of the 8th of January 1772, that he reprimanded my accusers in reply to their address, and imputed to their misbehaviour the anarchy which they charged me with being the cause of? It cannot therefore be true, that he did not take the least notice of their applications. Is it not true that the accusatory address to Sir William Trelawny was dated on the Shore the 28th of September 1771; and is it not apparent from the same letter, that he heard and decided on their complaints; and that to restore the legal government he sent a new commission of the peace as early as the 8th of January 1772? It cannot be true then, that he suffered the Shore to remain without any legal government till June or July 1772. Sir William heard their complaints and sent redress for the only grievance he could see, within little more than three months from the date of those complaints on the Shore. But my accusers think fit to misrepresent the time, and to call it *nine months* instead of about *three*, and not only in the face of Sir William's letter, but also in the face of a letter of Mr. Hewlett, one of themselves, of the 4th of February 1772, in which he gives me notice, that the new commission was then in force (*b*).

The next passage in the same memorial is equally loaded with misrepresentations. It asserts, that "about June 1773, governor Trelawny being dead, lieutenant-governor Dalling, *without taking any notice of the colony,*

(*b*) App. No. 52.

"trans-

“transmitted a new commission of the peace to the “Shore.” But these words are a compound of inconsistency, suppression, and untruth. It is not consistent with saying, that he did not take any notice of the colony, to add, that he sent a new commission of the peace; because sending what was to restore a legal magistracy was surely taking the most essential notice of the colony. It is a gross suppression of material facts to pass over in silence the letter to the colony, which governor Dalling sent with the new commission of the peace (*i*). From that very letter, arises the fullest demonstration, how false it is to assert, that he did not take any notice of the colony; for it proves, that he more than granted every supplication, which the colony made to him. If the letter had not been suppressed by my accusers, the falsehood of their assertion must have appeared on their own shewing.

The memorial proceeds to another false accusation of governor Dalling; for it is charged as a “fresh instance “of neglect and contempt from the government of Jamaica,” that I was appointed *custos rotulorum* in the new commission of the peace sent by him. As a proof of this, they represent me “as the very object of their “greatest aversion, the author and cause of their grievances and complaints, and the man whom they conceived had on all occasions shewn the greatest enmity “to the colony.” But if at the time I had really been the object of their greatest aversion, why did they request my assistance in framing their supplications to governor Dalling, why did they intrust me with the conveyance

(*i*) Appen. No. 58 and 59.

and support of those supplications? If I was the cause of all their grievances and complaints, was it proper to transmit them through me, and to leave them to my care? Was there a word in their supplications expressive of dislike to or of complaint against me? Did not the letter, containing their supplications, import, that they chiefly confided in me? Did it not intrust to me the recommendation of proper persons, to fill the commission of the peace with? Did it not intrust to me the representation of their other matters, particularly the state of their militia? With such marks of high confidence in me from my accusers, how could governor Dalling imagine, that naming me in the commission would be disagreeable to them; much less, how could he suppose, that they would construe it neglect and contempt? Is it a proof of my shewing on all occasions the greatest enmity to the colony, that, on this particular occasion, I evinced the greatest anxiety for its happiness, by undertaking the important trust they committed to me, and so successfully discharging it as to obtain a full compliance with all their supplications? If this instance will not answer the purpose of my accusers, what other have they to adduce? They will scarce refer to their other letters to me in the course of the preceding seven years, some of which are equally confidential.

The next passage of the memorial represents, that "Mr. William Walker was the only person, who would join me by accepting the appointment;" and, that we two, "forming no court," the colony, for their own preservation, proceeded to elect a council for making bye-laws and to be a court of appeal from the justices chosen by themselves. But this is a deceptive perversion of truth.

Mr.

Mr. William Walker was not the only person, who accepted the appointment by the commission of the peace; for all the others named, except one, qualified under the commission, and I have a receipt for the return of their oaths of qualification to the governor of Jamaica (*k*), which without doubt was an acceptance. It is not true, that two justices could *not form a court*; for by the *express words* of the commission, two were authorized to hold one. It is not true, that the council was elected *in consequence of there not being a sufficient number to form a court under the new commission*. The council was elected *in pursuance of the letter of approbation from governor Dalling*; and so it was expressed to be in the oath of office proposed by the leaders of my accusers, being part of the elected counsellors. Indeed it could not be from the want of magistrates to join me in acting under the commission of the peace, though more than two had been necessary to form a court; for there was no demur to so acting, till several months after the election of the council; that having been made the 12th of June 1773, but the refusal to act under the commission, with the revolt, not having occurred till the 28th of the ensuing September. This is a new instance of my being able to convict my accusers of untruths out of their own mouths.

The next assertion in the memorial is, that, on the 24th of September 1773, I published to the colony the new commission of the peace from governor Dalling; but that the colony on examination rejected it for various reasons assigned in a memorial of the 9th of June 1774, all of which impeach the authenticity of the commission. In the first part of this representation, there is a false colour. It is so expressed, as to encourage a belief, that I *first*

(*k*) Append. No. 70.

made known the new commission of the peace in September. But the real fact is, that it was published and qualified under several months before. As to the reasons, on which they ground their objections to the validity of the commission, the memorial referred to states four.—The first is, that the commission consisted of two pieces of paper, one being pasted to the other; and that as the second paper contained only the testing clause, it might be applicable to this or any other commission or instrument. But nothing can be more trifling, than this objection. It was from mere accident in writing, that only the testing clause was on the second piece of paper; and could any thing be more improbable, than that governor Dalling should send a commission without a testing clause, or that there could be any motive for the most ill disposed person to change it?—The second objection is, that the seal of the island of Jamaica was affixed to the *bottom* instead of the *top* of the commission, which latter is asserted to have always been the case in previous commissions. But, unfortunately for my accusers, the seal to such commissions in former instances was affixed, not, as they say, *always* to the *top*, but *usually*, if not *always* to the *bottom*. I have now in my possession copies of two commissions in 1754, whilst Admiral Knowles was governor of Jamaica, in both of which the seal's being at the *bottom* is mentioned; and I doubt, whether any instance of a commission to the Shore with the seal placed otherwise can be produced.—The third objection is, that in reciting Colonel Dalling's appointment as lieutenant governor, a blank is left for the date; and to make this objection more plausible, it is added, that the date is referred to in another part of the commission of the peace. But I apprehend,

apprehend, that the omission of the date of governor Dalling's appointment was quite immaterial; and as to the date's being mentioned in another part, the fact is otherwise; as will appear from a copy I have of the commission.—The fourth objection is, that there were *two capital erasements on the first piece of paper, which had respect to the persons therein nominated to act as justices*. But though I do not recollect, what words were written on an erasement, or whether there were any, yet I can dispose of this objection. Certain I am, that no erasement was made by me or with my knowledge; and even on the supposition, that I was capable of so criminal an act, what inducement could I have to make any change in the commission? The names of the justices, were the only part I could have any interest to alter; and how could I serve any purpose by changing the names of the justices in the commission, without making a like alteration in the dedimus for qualifying under it, which is not suggested? As to any erasement made by the writer of the commission to correct mistakes, before the commission passed the seal, it certainly could not vitiate the commission. Where indeed a word written on an erasement is extremely material, it may in some cases reasonably create a suspicion of ill practice. But in the present case, the only words, which there could be any interest to change, were the names of the justices; and as the dedimus for swearing them contained exactly the same names without an erasement, it removed the ground of suspicion from the erasement in the commission.—On this consideration of the objections stated against the validity of Governor Dalling's commission of the peace, I submit to your Lordships, whether they were any thing more than an after-thought to give a colour to an usurpation

usurpation of government, which was really founded on motives quite foreign to any suspicion of invalidity in Governor Dalling's commission of the peace.

It is next acknowledged by my accusers, that the proclamation issued by Governor Dalling in the King's name in December 1773 to dissolve the newly elected council, was disobeyed. Instead of obedience, my accusers avow, that they not only persisted in adhering to their new council and magistracy, but even prohibited the acting under any other authority, till the 6th of January 1775, or his Majesty in council, or by the advice of parliament, should interpose. This was clearly disclaiming both all dependence on the government of Jamaica, and all submission to his Majesty's appointment of a superindant. It was in effect declaring, that for two years they would abide by their own illegally constituted government; and that, during that time, neither the governor and council of Jamaica, nor I the King's chief officer on the Shore, should be permitted to exercise our respective functions. But for this unambiguous act of revolt from the King's government, their only excuse is, that they now conceived the governor of Jamaica to be the *stay and support* of me, whom they call their *oppressor*. In other words, Governor Dalling is to be deemed my stay and support, because he called upon them in the King's name to dissolve an usurped government; I was their oppressor, because I refused to concur in their usurpation.—In mentioning Governor Dalling's proclamation, they describe it as one *published by me in his name*; seemingly with a view to derogate from its weight and authority. But my accusers could not be ignorant, that it was a proclamation *from Governor Dalling in the King's name*.

Conscious,

Conscious, that renouncing their obedience to the government of Jamaica, disclaiming the legal magistracy, and persevering in an illegal one, were strong measures; my accusers, in the next passage of their memorial, have the modesty to resort to *apology* for their conduct. They do not even suppose themselves capable of *justification*, and therefore alledge the *necessity* of their situation as the ground for *their apology*. But where could be the necessity of an illegal government, when there was a legal one subsisting? If governor Dalling had refused their requests, if there had been no commission of the peace in force, if in this situation I had attempted to oppress them; if all this, which is what they alledge, had been true, there would be room for the plea of necessity. But I have proved the contrary of every one of these allegations; and therefore my accusers appear before your Lordships with the confessed guilt of resisting the lawful government and upholding an usurped one, aggravated by an attempt to transfer the necessity of incurring that guilt to others by a false accusation.

The remainder of this memorial, not containing any new matter, but chiefly a short recapitulation of the suggestions already confuted, requires no notice.

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C O N C L U S I O N,

B E I N G

A Summary RECAPITULATION of the Whole CASE.

AFTER being forced to detain your Lordships so long, in answering the two Accusatory Memorials, it would ill-become me to use many words in the conclusion of my defence. But some recapitulation of so extended a case may even save time, by assisting to contract the leading points of it into a small space.

In the imperfect view, which I mean to offer for this purpose, I shall remind your Lordships, who are my accusers, what has been their manner of proceeding as such, and lastly what is the result of my defence against the principal topicks of accusation.

In all accusations, it is of importance to weigh the credit of those, by whom they are made. In my case it is particularly requisite ; because most of the few proofs, referred to, come from my accusers themselves. But do my accusers appear before your Lordships, with any title to favourable impressions ? In exculpating myself, have I not proved, that captain Lawrie, with the other leaders of the accusation, engaged in *two revolts* from the legal government on the Mosquito Shore ; in *two confederacies* for establishing and upholding an illegal one ? Can it be denied, that, on account of these revolts and usurpations, some of the same persons have been *objects of a letter of censure from one governor of Jamaica*, and of *condemnatory proclamations in the King's name from two other governors* ? Nay, have not my accusers, in attacking me,

so

so fully acknowledged their own misdeeds, as to offer groundless suppositions of my misconduct as an *apology* for their own criminal excesses? In truth they are *recriminators* throughout.—To excuse their first revolt, they criminate me to Sir William Trelawny.—To excuse their perseverance in the same revolt, they next attack him.—To excuse their second revolt, they revive their old crimination of me; adding to it a charge against governor Dalling.—Farther, have I not, in accounting for the revived accusation against me, shewn under their own hands, that captain Lawrie and three other leaders of my enemies have *denied the right of the Crown to the Mosquito country*; and that they *offered to be thoroughly united with me*, if I would acquiesce in their scheme to monopolize a whole province on the Shore?—All these circumstances tell strongly against my accusers. The language of crimination ill-suits persons so described. When they resort to it on *any* subject, they cannot be heard with much confidence. When they resort to it on the subject immediately connected with *their own misconduct*; when, to charge others, they are driven to state their own acts with an *apology for their illegality*, they cannot reasonably expect to be received, otherwise than with suspicion, or to have their representations credited without the aid of the most irrefragable proofs.

When your Lordships reflect on the *manner of conducting* the accusation, it will appear in a light equally unfavourable. It commenced with so much *privacy*, that the contents of their charges did not reach me, till almost three years after they had been heard by Sir William Trelawny. When, instead of calling on me for my defence, he reprehended my accusers on their own shewing; they *acquiesced* in the censure; they *continued that*

acquiescence for near two years ; they repented of accusing me ; they gave me their principal confidence ; they intrusted me with the conveyance and support of their supplications to Governor Dalling ; they acknowledged their obligation for my assistance in framing those supplications. But, after thus long submitting to the dismissal of their charges, after this intercourse of amity and confidence with me, when I came back to them with Governor Dalling's full approbation of their requests, when I had obtained for them every thing they supplicated for from Jamaica, they return into ill-humour, and fall into a repetition of their former criminality. Because, too, I will not concur in their favourite measures contrary to my duty ; because I reject an oath of office, which it would have been criminal in me to have approved of ; and because I refuse to acquiesce in their monopoly of the Mosquito country ; and farther, because they were determined to throw off all dependency on Jamaica, and to deny to me the exercise of my function as an office of the crown : for reasons such as these, they revive a stale accusation ; they convey it to his Majesty with the same privacy as it was originally fabricated with ; and this they do, even before they had proceeded to an open rupture with me, and when some appearance of amity still remained. This revival of the accusation was followed with measures not unworthy of its origin. Whilst they were completing the destruction of a legal government on the Shore and administering the functions of an usurped one, Mr. Gilibert, their emissary, prosecuted their accusation of me before the King's ministers ; and by misrepresentation, it was attempted to have me condemned without a hearing.—It was untruly represented by my accusers, that their original accusation of me to Sir William Trelawny

Trelawny had been treated with *silent neglect*. The fact was, that he gave them a *full, solemn, and judicial* hearing, which at other times they inconsistently confess; and farther, that he sent a *strong letter* to them, *explicitly condemning them on their own state of the case, and in effect acquitting me*.—It was untruly insinuated, that, on Sir William Trelawny's death, my accusers had *renewed their supplications for redress against me* to Governor Dalling. Those supplications, so far from affecting me, were *framed with my assistance, were transmitted through me* to Jamaica, and *wholly entrusted to my care*.—It was untruly asserted, that on this occasion my accusers experienced a *fresh instance of neglect and contempt of their supplications*. *Every one of those supplications was granted* by Governor Dalling; and he even encouraged them to come to him with new requests.—It was untruly asserted, that when Governor Dalling placed me at the head of the new commission of the peace, I was the *aversion of the colony*. At this very time the colony reposed *their chief confidence in me*; and *even the leaders of my accusers solicited me to accept of it*.—It was untruly asserted, that Governor Dalling sent the colony a new commission of the peace to the Shore, *without taking any notice of the colony*. He took the *most handsome and obliging notice* of them, by writing to inform them, of his having granted every one of their requests, and of his being ready to shew a like attention to them on future occasions.—It was untruly suggested, that *all* named in the new commission of the peace, *except one*, refused to act; because I was named at the head of it. I prove, that *all, except one*, who disliked the trouble, *accepted the office by qualifying under the new commission*; and that some months elapsed before the refusal to act.—It was untruly represented, that a council was elected, *from the*
want

want of a sufficient number of persons to act under the new commission of the peace. The fact was, that the council was elected some months before that refusal, and is expressly acknowledged, under the hands of several of my accusers, to have been elected in pursuance of the licence from Governor Dalling.—All these leading untruths, independently of those which may be found in the particular charges against me, occur in the written papers delivered by my accusers; having been called in aid to give weight to their charges, and to prove the necessity of immediately displacing me from my office.—To this list also I beg leave to add the misrepresentations, by which your Lordships were induced to believe me *absent* from my duty on the Shore when I was *present*; to believe me *grossly disobedient* to the order to return home, when I was *anxiously obedient*. Though my accusers did not give such information *in writing*, can they say, that neither they, nor their agents gave it *verbally*? Can they deny, that they were not most active in encouraging both the Secretary for the American department and your Lordships to rely and to act on the information?

When your Lordships proceed to investigate the grounds of the specifick charges against me, it will be found, that they well agree with accusers, who assume the character on a *recriminating* principle, and to hide their own misconduct; with accusers, who risque the superstructure of so much untruth to sustain their original charges. As such extraordinary invention has been exerted to give false colours to the *subsidiary* parts of their case, it is not probable, that my accusers should be sparing of embellishment in their *principal* allegations. Whether they have been so or not, your Lordships will be able in some degree

to judge, from the following summary review of their charges contrasted with the result of my answer to them.

I am accused of *proposing* a council of legislation and appeal for the Mosquito Shore.—But I shew, that I founded myself on a report to the privy council in respect to a neighbouring settlement under similar circumstances; that my instructions as superintendant directed me to *establish order* on the Shore; and that the proposed council was a probable mode of executing the spirit of my instructions. I prove also, that some of my accusers *at first gave their consent* to the proposition; and that the principal of the same accusers some few years after joined in *soliciting* for the very council which they now *reprobate*.

It is charged as an offence, that I encroached on the governor of Jamaica, by granting letters of administration to an intestate on the Shore. But I explain, that my interposition was nothing more than a *temporary expedient to preserve the effects of the deceased from being wasted*, till letters of administration could be obtained from the proper jurisdiction. At the same time it turns out, that some of my accusers, who were magistrates, have done the thing they object to as a crime in me; though it is impossible, that they as magistrates could be more justified, than I was as principal officer on the Shore.

My accusers charge me with making speeches derogating from the dependency of the Shore on the government of Jamaica, with representing myself as the only channel of the colony's petitions to the throne, and with disgusting the colony by these speeches. But I produce to your Lordships the only regular speech, which I made at the meeting alluded to, it having been delivered from written notes; and there is not a word in it disrespectful

to the governor of Jamaica; not a word relative to any claim of independency of him, or in other respects objectionable. Of what passed besides, there is no other evidence than the memory of witnesses swearing to the conversation several years after; and this evidence not reaching me till several years more, however untrue becomes incapable of disproof. As to my disgusting such of the colony as were assembled, their conduct proves the contrary: for they approved of my idea; deserted their own; conveyed a petition to the throne through me; and wrote a handsome complimentary letter to me on the occasion, which even captain Lawrie condescended to subscribe.

It is stated as a crime, that I issued a proclamation, which required a registry of the grants of lands claimed to be purchased from the Mosquito Indians. But I shew, that it was the avaricious spirit of some of my accusers and others, threatening a monopoly of the best part of the Shore, which provoked me into this expedient to obstruct so alarming an evil; and that I never attempted to enforce the proclamation against any person. When I issued the proclamation, I was influenced by an idea, that the Jamaica law for registering titles, with the interest of the crown in the Mosquito country, might be construed to give a legal effect to the measure. But being now assisted with advice, I concede to my accusers, that the Jamaica law of registering was not applicable; that the rights of the crown, whatever their extent may be, did not give me a right to enforce my proclamation. However, I submit to your Lordships, that the urgency of the occasion excuses me for risking such a measure; and that, being free from criminal intention,

tention, the act was at the worst only an error in judgment, equally excusable and harmless.

I am accused of intimidating the justices on the Shore, in September 1770, from exercising their functions. Mr. Hewlett is described as the magistrate so molested. But the proof referred to shews, that Captain Lawrie was the person; and that my offence consisted in objecting to his sitting as a justice. I shew too, that I had grounds for my objections; and that Captain Lawrie himself wrote me a letter, which evinces, that at the time he seemed far from clear in his right to sit. At the utmost it was only an objection, which I made to his authority; and it went no farther than words. As to the illiberal conversation attributed to me, I have shewn its improbability; and from a letter written by Captain Lawrie I have proved, that Mr. Pitt, who is made to have a share in the conversation and to take part against me, was not present. A perfect contradiction of the other parts of the conversation, by evidence, will scarce be expected, when it is considered, that near *three years* elapsed before I knew of being charged with it; and that it is now *near ten years in date*. Who will be safe, if a person is to lose his character, unless he can disprove the charge of loose conversations at such a great distance of time?

I am accused of exercising the function of a justice of the peace, before I was in the commission, by administering an affidavit in a cause in which Mr. Reid was plaintiff. But I call on my accusers to prove, that there was any cause depending when I administered the affidavit. Indeed I acknowledge, that I was mistaken in supposing, that I had an authority by my office to administer *voluntary* affidavits. But then I say, that I declined so doing, when

any justice was at hand; that I was no more intentionally criminal for administering such oaths, than justices of the peace and masters in chancery are in England for a like practice. I state also, that even captain Lawrie swore for his half-pay before me; and I demonstrate, that those of my accusers, who have been justices and as such claim a right to administer such affidavits, had as little authority in that respect as myself.

I am charged with taking an affidavit in a matter, in which Mr. Christopher, my mercantile agent, was concerned; and on hearing, that my authority to take it was not admitted by a jury, with writing to Christopher, that they must alter their opinion, or that there should be no jury. But I call upon my accusers to produce the letter; and in the mean time, though I admit my having written something hastily about a Mosquito jury for denying my right to administer oaths, yet I declare, that to the best of my recollection the amount of it was only, that, if they would not recognize my authority, I would not recognize their's. Indeed their authority in *civil* matters, if it was to be strictly weighed, was as questionable as mine; the only commission on the Shore giving nothing more than a *criminal* jurisdiction. Till, then, the imputed letter shall be produced, and there shall appear such words as are imputed to me, the fact of the charge is unproved. If, on the other hand, such a letter can be produced, and the offensive words shall appear unqualified as they are stated, which I do not believe will be the case, I will acknowledge, that the language was unguarded, nay improper; but I submit, that the imprudency of the words, more especially as they were used in a private
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confidential letter, and were never in the least acted upon, cannot justly be deemed a *crime*.

I am accused of calling together several justices of the peace in August 1769; producing to them a warrant which I had issued against a run-away servant; complaining of its not being obeyed; and insisting on my right to issue warrants, though I then was not in the commission of the peace. The sting of this charge is my assuming to issue warrants as a magistrate. But though I once conceived, that I had such a power *ex officio* as the chief officer on the Shore, yet I shew, that, on the occasion here alluded to, I acquiesced in the contrary opinion of others, and preferred losing an indented servant to having any farther altercation on the subject. As to the conversation imputed to me, it is not in the nature of things at the distance of ten years to prove how misrepresented my words are; but those attributed to me, by two of my accusers swearing on memory two years after, are so extravagantly absurd and insensible, that their extreme improbability will alone, I flatter myself, effectually guard me from having them believed. If they were true, they would not constitute a crime, though I should heartily despise myself for such nonsense and vulgarity. The little calumnies, by which, in this, as well as in other instances, my accusers attempt to induce a belief of my being on ill terms with my late excellent father-in-law Mr. Pitt, are mere inventions to give an air of consequence to their charges, and thereby to undermine my character and reputation.

My accusers charge me with taking an affidavit in *my own cause*. But what they call a *cause* was an *insignificant matter of reference* before *arbitrators* about an anchor and

cable of the value of 14 l. 7 s. 6 d. and so it appears on their own statement, when they explain themselves. My administering the oath was merely from the want of a justice on the spot, and the hurry of the witness to leave the Shore. It made no difference in the contents of the affidavit, whether I or another person added this form to it; and it must now be acknowledged, that both the justices and I were equally incompetent to the taking such voluntary affidavits.

All the charges before mentioned are made chiefly with a view to prove in me an assumption of powers independent of the government of Jamaica, which my accusers affect to treat as an offence big with the greatest mischiefs to the Shore. But your Lordships will not forget, that the leaders of the accusation are persons, who have solicited to be freed from dependency on Jamaica as the great cause of the miseries of the settlers in the Mosquito country; persons also, who have been concerned in two revolts, in the last of which that very dependency was not only peremptorily disclaimed by words, but absolutely renounced by deeds most unambiguously setting the government of Jamaica at defiance. As to myself, though I once, from the circumstances of my appointment, doubted my being *personally* subject to the controul of Jamaica, yet I never pressed that claim, but, on the contrary, the moment I was informed from home, that I was under the controul of that government, I submitted to it in a manner so full, that it was quite satisfactory to Sir William Trelawny, the only governor of Jamaica with whom the point in any degree occurred.

The remaining charges impute to me various instances of misconduct, oppression, and breach of duty.

According

According to the first of them, I was so remiss, that I had not the merit of detecting a conspiracy to detach the Mosquito Indians from us; the settlement alone was active; Mr. Gilibert one of my accusers made the discovery; and I was of no use. But I prove, that, though the discovery was made by others, I exerted the utmost activity to break and disappoint the conspiracy when known, which I have explained in detail; that I visited almost the whole Shore on the occasion; that my exertions were successful; and that my conduct received his Majesty's approbation. I also shew, from a memorial to Sir William Trelawny, signed by Mr. Gilibert himself, that not he, but others, made the first discovery of the conspiracy.

I am next charged with *concealing* and *suppressing* a new commission of the peace from Sir William Trelawny, and at the same time publishing his *quietus* to dissolve the old commission; on which two allegations my accusers found their plea of necessity for the first revolt. But in stating the real facts, I have manifested the untruth of the whole of this representation. I have proved, that the death of Mr. Pitt made it impossible to qualify under the new commission; that I neither concealed nor suppressed the new commission; but that I used my utmost endeavours to keep back the *quietus* of the old one, lest the Shore should be destitute of a magistracy; that the leaders of those, who accuse me of publishing the *quietus*, extorted it from me; that Sir William Trelawny, to whom they accused me, pointedly justified my conduct, reprimanded them, and declared the *necessity*, which they pleaded as an apology for the first revolt, to be of *their own creating*.

I am farther charged with refusing to perform my duty as superintendant, when Mr. Christopher applied to me
for

for redress against a seizure made by an Indian chief of some Spanish Mulattoes with goods, which they were carrying for Mr. Christopher. But it appears on my part, that I *immediately* obtained a release of the Spanish prisoners; but that the trade in which they were taken, being illicit, which was known to the Mosquito chief, I could not conveniently insist on a return of the goods; and that making a point of it was the less proper, because the goods were of small value, not being worth 20 l. Sterling, and the first revolt having happened a little before the time was too critical to have any difference with the Mosquito chiefs.

The next charge is, that I monopolized the greatest part of the Spanish trade, to the degradation of my character as superintendant, and to the injury of the rest of the colony. But there is not the least evidence of any monopoly by me. On the contrary my letter, which is the only proof cited, is quite foreign to every idea of a monopoly. The same letter also shews, as the fact really was, that my views in trade were very contracted, more to supply actual wants in a country, where it is almost a favour to be accepted of as a purchaser, than for any other purpose. It appears too, that from motives of delicacy, and from a respect to my office, I usually transacted such matters in the names of others.

I am farther charged with a mis-employment of the contingent money. But no instance of any such mis-application is so much as stated; and therefore it is no wonder, that the charge should stand without the tender of one syllable of evidence. How such a charge should be attempted, I have sufficiently explained, by shewing, that it was a bait insiduously thrown out to Sir William Trelawny,

ny, to whom the settlement of my accounts of the contingent money belonged, in order to invite him to attack me on that head; but that he was above being seduced by so unworthy an artifice.

The last charge is, that I *illegally* seized a Spanish vessel; that I carried her with a loading from the Shore; that I returned in her with merchandize; that I *collusively* sold her; and that I pretended to have the authority of the governor of Jamaica for all this. But I have disproved the first and fourth of these assertions, and so explained and qualified the other three, as to evince, that neither of them, when properly understood, will justify the least reflection upon me. Your Lordships have it in proof before you, that my seizure of the vessel was for the benefit of the Spanish owner, who had been injuriously deprived of her, and was not only *legal*, but *clearly* so, *even by the confession of my accusers*; they at other times *blaming me for not having made the seizure sooner*, and inconsistently assuming to some of themselves, though without any foundation, the merit of having forced me by their complaints to make the seizure. It is also in proof, that, though I sent the vessel to Jamaica, it was from the want of means to return her to the Spanish owner from the Shore, and in order to wait the orders of the governor of Jamaica; and that, as to the loading, the trifle I sent in her served as useful ballast, and was sent openly with the usual charge for freight. My returning in her is explained to have been necessary, in consequence of Sir William Trelawny's not choosing to take the charge of her, and in other respects to have been equally innocent. I have also shewn, that the sale of the schooner was not in the least collusive or colourable, but was a real and *bona fide* transaction. It farther appears,
that

that I did act by authority of the governor of Jamaica in offering to pay the Spanish owner the full value of the schooner at the time of capture ; and that I never pretended to have had his authority in any other part of the business.

Your Lordships have now in your possession the full expression of my defence ; with a full explanation of the grounds, on which I urge your Lordships to rescue the honour and character of a faithful servant of the crown, from the long and injurious attacks of a confederacy of accusers.

It is no small concern to me, that I have found it impracticable to do justice to my case ; without so long intruding on the patience of this honourable board. But the great number of the *direct* charges against me, the numerous little circumstances adduced *collaterally* to give a colour to the accusation, the many years to which the charges extend, the length and the variety of the proceedings in the case ; all these circumstances being considered, I do hope, that your Lordships will not think me unnecessarily troublesome.

It hurts me too, that my own exculpation could not be accomplished, without so often resorting to strong language concerning the conduct of my accusers. Throughout I have endeavoured to avoid asperity, so far as it could be spared, without a sacrifice of some truth essential to my defence. But my accusers have so conducted themselves towards me, that the justification of my innocence, and the exposure of their improper practices, became inseparably connected, and the one could not be made manifest without the other.

There

There are many disadvantages, which I have been forced to submit to in the course of this defence. — One is, that to this moment I have not been able to see any part of the affidavits or other evidence sent to Sir William Trelawny; though there is not any other evidence against me, except the single affidavit of Mr. Gilibert swearing by *one general oath* to the truth of *all* the allegations in the Accusatory Memorial of Nov. 1773, and the State of Facts its companion. In consequence of this, I have been throughout forced to defend myself, as if the effect of the evidence was exactly such, as my accusers have thought proper to represent: whereas if I had seen the evidence, there might have been room to have made very opposite inferences from it; and by discovering contradiction or detecting untruths in one part, I might have destroyed the force of another. Whether I am exposed to this inconvenience from accident, or from any management of my enemies, I am unable to determine. — Other disadvantages arise from my loss of a great number of papers in my distressful voyage home from the Shore, from the great distance of time as to most of the transactions which are the subjects of the accusation, and more especially from the difficulty of encountering affidavits of conversations which passed many years ago. — But notwithstanding all this, I trust, that I have fully succeeded in detecting the misrepresentations, the untruths, the suppressions, the inconsistencies, and the contradictions, with which the charges against me, and the proceedings of my accusers in the support of them, so wonderfully abound; and that, from one end of the Case to the other, I have evinced the charges against me to be calumnies, fabricated by persons, who became accusers of me, with no better motives, than from a dread of, and to preclude the crimination of themselves. Their *original* accusation of

me immediately followed my refusal to subscribe to their *first revolt*; their *second revolt* was planned at the same time with their *revived* accusation, after suffering it to be *dormant* for near two years. Of the *twenty-five* persons, whose names appear to the first Accusatory Memorial against me to the Secretary of State for the American department, *Captain Lawrie* and *ten others* were *magistrates* or *officers* under the government established on the first revolt; *Captain Lawrie* and *nineteen others* were *counsellors, magistrates, or inferior officers* under the second, and, as such, objects of two condemnatory proclamations from the government of Jamaica in the King's name. Exclusive of the numerous other circumstances, are not these of themselves sufficient to prove, that my accusers, in charging me, are in truth struggling to defend themselves; and that, by undue practices, they have forced me into the disadvantageous situation, which they ought to occupy?

How distressed they have been for materials of accusation appears, not only from the facility of detecting most of their mis-statements, but also from their not being able, in the course of my active service as superintendant for the five years after their first attack of me in 1771, to suggest so much as one new subject of charge against me of a later date; though they have been so many years engaged in scrutinizing my conduct, and in writing memorials upon it. During, then, the last five years of my superintendency, even by the implied confession of my accusers, my actions were at least unexceptionable. Whether my previous conduct was not equally so, whether I deserved praise or censure for it, is finally to be decided by your Lordships; a decision, which, now that your Lordships have heard my defence, I not only submit myself to with the sincerest respect, but even solicit with the greatest anxiety.

A P P E N D I X,

CONSISTING OF

LETTERS AND OTHER VOUCHERS.



A P P E N D I X.

No. I.

Extract from an Act of his late Majesty in Council, bearing Date the 14th of June 1744, being so much of a Report made to their Excellencies the Lords Justices, on the 1st of September, 1743, as relates to the Election of a Council for the Bay of Honduras.

AND as the people of this country have hitherto lived without any government, and without any laws, but such as have been dictated by mere necessity, and established by common consent, if your Excellencies are pleased to receive them under his Majesty's protection, it may be necessary that some kind of civil government, such as their present circumstances will admit of, should be established amongst them; and if the engineer who should be sent thither should be esteemed capable of that trust, he may for the present, and to save expence, be appointed his Majesty's governor of this colony.

This governor may be ordered, upon his arrival at Belise, to summon the inhabitants, and publish his commission.

He may be entrusted to direct them to chuse from amongst themselves, by majority of votes, twelve of their principal settlers, to form a council, whose vacancies, by death or removal from the colony, may for the future be supplied by the nomination of the governor.

The governor and council, before they proceed to do business, may be directed to take the usual oaths appointed to be taken by governors and counsellors.

They may be impowered to make bye-laws agreeable to the laws of England, and subject to his Majesty's approbation or disallowance, for the establishing peace, policy, and good order in the colony; but the said bye-laws should be of no force until the governor should have separately given his assent to them.

The governor and council may likewise be impowered to decide in all cases, civil and criminal, in a summary way, but agreeable to the laws of Great Britain.

No. II.

Certificate in Relation to Capt. Hodgson, from the Head Master of the Military Academy at Woolwich.

Woolwich, Jan. 24th, 1752.

THIS is to certify, that Robert Hodgson has attended the academy whilst he was a cadet in the royal regiment of artillery, from the year 1746 or 7, to the latter end of 1749; during which time he has studied algebra, geometry, and several other useful branches of the mathematics, for which he has a great genius; he has likewise learned fortification, artillery, surveying, mensuration, and drawing; and as he has always behaved in a genteel manner, we could not refuse to give him the above character, which he justly deserves.

The said Robert Hodgson attended the academy during the time he was an officer, and was the first in the mathematical class.

JOHN MULLER.

No. III.

Extracts from some Letters, shewing that Captain Hodgson was deemed to have much Knowledge of Middle America.

THE late Robert Wood, Esq. (then under-Secretary of State) thus writes of Captain Hodgson to his mother, July 24th, 1762, "I also set forth to that gentleman the manifest propriety of putting Mr. Hodgson in his father's place, who, from his knowledge of that country, is beyond dispute best qualified to succeed him. I also added, that all the material information I was able to collect relative to that country, was furnished by him, while he staid in England; and indeed I made so little doubt of his being appointed to the Mosquito Shore, that I assured him, if I was in office, I should make it a duty to do him justice, as I really meant the King's service as much as the benefit of your family: by stating this matter in its true light, I don't doubt but the same motives will engage Mr. Mackenzie to report these facts to his brother, and that justice will
" be

“ be done to Captain Hodgson. As far as my testimony
 “ in his favour can have any weight, you may very
 “ freely command it.”

The Earl of Egremont (Secretary of State) in his letter of April 23d, 1763, to the governor of Jamaica, mentions Captain Hodgson's knowlege of the continent in the West Indies rendering him particularly fit for a special service there.

General Conway (Secretary of State), in his letter of March 12, 1766, to the Lords of the Treasury, about Captain Hodgson's conduct in executing the 17th Article of the Peace, mentions his *having done thereby essential service to his country*; and that he had thereby fulfilled what Lord Egremont had wrote he expected from him.

No. IV.

Prayer of the Petition of the Inhabitants of the Mosquito Shore to the King, in 1766.

WE, the principal of your Majesty's most dutiful and loyal subjects on the Mosquito Shore, do therefore most humbly pray your Majesty will be graciously pleased to take this *our deplorable situation* into your royal consideration, and grant us such relief as in your Majesty's great wisdom shall seem meet; and your petitioners, as in duty bound, shall ever pray, &c.

Great Black River, Mosquito Shore,
 May 31, 1766.

William Pitt,	John Bourke,
William Stotesbury,	Philip Bode,
George Hewm,	Bartholomew Gilibert,
Daniel Hewlett,	John Bruce,
Tho. Marriott Perkins,	John Dodgson.
John Pitt,	

No. V.

*Letter of the Inhabitants of the Mosquito Shore to the late
Earl of Chatham, in 1766.*

SIR,

WE, the principal inhabitants on the Mosquito Shore, having this day signed an humble petition to our most gracious sovereign George the Third, and not knowing any means by which we might with reason expect its being so soon presented to, and granted by the best of kings, as our having the happiness of being patronized by a gentleman of your known attachment to the honour and interest of our king and country, we are thereby emboldened to inclose the petition, and humbly entreat the honour of having for our patron a gentleman of your patriotic spirit, by which we make not the least doubt of the Mosquito Shore being, in a few years, of greater consequence to the British crown than any other of his Majesty's colonies and plantations, not only in the valuable productions of the place, but by its situation for vending the manufactures of Great Britain in time of peace; and its conveniency for invading the rich provinces of Spain bordering on us, which we could greatly distress (at any time) with a small force from hence. We therefore beg leave to mention, that if we could have *the happiness of being immediately made a civil government, entirely independent of Jamaica*, and protected by an independent company sent from Europe, and at the same time have a block-house built, with proper conveniencies therein for the confinement of debtors and our negroe slaves, as well as for our retreat in case of imminent danger, we should then vye with each other in cultivating the Mosquito Shore, which would thereby add considerably to the British revenue, as the place is capable of producing, in the utmost perfection, every article (of whatever kind) that is produced in any of the other British colonies and plantations. We likewise humbly hope for your patronage in pleading with the best of kings for his royal favour to and protection of us, not only in what we have already related, but that he would be most graciously pleased to send us a clergyman, and encourage the settlement of the Mosquito Shore, particularly

cularly near Great Black River, with Palatine and other poor families; as we always shall be able, with a good independent company, two hundred white men of the place, our trusty slaves, and the Mosquito Indians, to defend this place against whatever force the Spaniards can ever send against us from their provinces bordering on the Mosquito Shore, provided we had a few cannon, sufficiency of ammunition, and a proper block-house.

The Mosquito Indians have four chiefs, the king, general, governor, and admiral, who govern independent of each other, and have their titles by hereditary right, but are always ready to join in the defence of the whole nation, and of the English, for whom they have a great and lasting friendship. The general (whose name is Tempest) can raise more men than either of the other chiefs, lives the nearest to this settlement, and has been, and will always be ready to assist us with all his forces whenever we are threatened with danger: he is a worthy, honest, and brave man, a sincere friend to our most gracious Sovereign and all his subjects, and a great enemy to the Spaniards.

General Tempest being greatly desirous of having the honour to see our Royal Master, we have procured the general a passage home in company with Mr. George Hewm, an inhabitant of this place, who goes passenger in the brig Beverly, James Montgomery, master, and will return to this settlement next spring; and we have given directions for our faithful friend (General Tempest) to wait on, and have the honour of presenting this letter to you on his arrival in London.

We should not have presumed to address you, were we not fully convinced of your inclination to do what is good; and nothing can be more so than the obtaining relief and protection *for the most distressed* and most loyal of his Majesty's subjects, who have had the unhappiness of being deprived, at the peace, of the few cannon and soldiers which were before allowed them by the best of kings.

We are, Sir,

With all due respect,

Your most obedient,

And most humble servants,

William Pitt,

William Stotesbury,

Daniel Hewlett,

Randolph Donaldson,

John

John Lawrie,	Philip Bode,
Richard Hungerford,	Bartholemew Gilbert,
George Hewm,	John Bruce,
Thomas Marriot Perkins,	John Dodgson,
John Pitt,	Robert Lowes,
John Bourke,	Bryan M'Daniell.

Great Black River, Mosquito Shore,
May the 31st, 1766 .

No. VI.

*Letter from Mr. George Hewm to Captain Hodgson, desiring
the latter to undertake the Management of the Petition of
the Inhabitants of the Mosquito Shore in 1766.*

August 9th, 1766.

SIR,

IN consequence of your desiring to have in writing what I said to you in conversation, I now repeat, that had the inhabitants of the Mosquito Shore known you had been in England, the petition to his Majesty and the public papers would have passed through your hands, and also the transactions arising therefrom, providing it would have suited you to attend to that business; but they all thought you would have left England before they arrived: and as I myself am now going to do so in a few days, I beg you will take the whole affair upon yourself, and conduct it with your best experience and judgment, of which I make no doubt, for the welfare of the Mosquito Shore.

I am, Sir, with respect,

Your most humble servant,

GEORGE HEWM.

No. VII.

Proclamation from Captain Hodgson, encouraging the Magistrates on the Mosquito Shore, to continue their Functions after his Arrival there.

BY THE KING,
A P R O C L A M A T I O N.

WHEREAS the due administration and exercise of the powers and authority of legislature and government ought not at any time to have interruption, our royal will and pleasure is, that all magistrates or other persons hitherto exercised therein, and belonging thereto, in our settlements on the Mosquito Shore, do go on and continue in the same state without alteration, until our farther will and pleasure be made known.

By command of the
Superintendent,
_____ Sec.

Witness Robert Hodgson Esq. Superintendent of the Settlements on the Mosquito Shore, at Black River, this 25th of July, 1768.

ROBERT HODGSON.

No. VIII.

Public Memorandum concerning the Council proposed by Captain Hodgson. Sent all along the Coast.

Memorandum for the Information of those concerned.

IT has been thought expedient that a council should be elected for the forming of laws, and the better inducing peace, policy, and good order among the different inhabitants of the Mosquito Shore, the said council, to consist of twelve persons, one half thereof, *at the least*, to be chosen by the free voice of the people.

As the superintendent will soon proceed along the whole coast no definitive measure in this matter will be put in execution antecedent thereto.

No. IX.

Notification for a farther Consideration about the proposed Council.

N O T I F I C A T I O N.

Mosquito Shore.

WHEREAS certain salutary measures for the welfare of the settlement of the Mosquito Shore have been postponed, until the inhabitants of the windward parts thereof shall have had sufficient and timely information of the same.

This is to give notice, that, as the superintendant intends setting out this week for those parts, he desires the inhabitants of this place to meet him on Friday next, the 7th of October, at ten of the clock in the forenoon, at the King's House, then and there to consider of the future meeting for bringing the said measures into effect.

Given under my Hand at Black River,
this 5th day of October, 1768.

ROBERT HODGSON.

No. X.

Proclamation for the Election of a Council of Twelve.

Mosquito Shore.

(L. S.)

By Robert Hodgson, Esquire, Superintendant of the
Mosquito Shore;

A P R O C L A M A T I O N.

WHEREAS it hath been determined, that a council should be formed for the making bye-laws and regulations for the better enabling the inhabitants of this settlement to live with peace, policy, and good order; and it having been farther determined that such council should consist of *twelve persons elected by the free voice of the whole people*: this is to make it known to all his Majesty's subjects herein concerned, that the time of such election is fixed to be the 10th day of February 1769,
in

in the forenoon, on the south bank of Black River, Western Lagoon ; and they are hereby summoned to assemble thereon accordingly.

Given under my hand and seal at arms at Bluefields Bluff, the 7th day of November, 1768.

By command of the Superintendent,
Henry Corrin, secretary.

ROBERT HODGSON.

No. XI.

Proclamation postponing the Day of the Election.

Mosquito Shore.
(L.S.)

By Robert Hodgson, Esquire, Superintendent of the Mosquito Shore,

A P R O C L A M A T I O N.

WHEREAS several of the principal inhabitants of this settlement have represented to me their desire, that the general assembly of the whole people, which was to have been on the morrow, should be postponed until the present favourable weather may have given time, for such other of the inhabitants as the late westerly winds may have detained, to arrive hither ; and it appearing to me that the so doing will be a proper measure : it is hereby made known that the said assembling of the people is postponed until the 20th instant.

Given under my hand and seal at arms at Black River, this 9th day of February, 1769.

By command of the Superintendent
_____ secretary.

ROBERT HODGSON.

No. XII.

Proclamation farther postponing the Day of Election.

Mosquito Shore.

(L. S.)

By Robert Hodgson, Esquire, Superintendant of the
Mosquito Shore,

A P R O C L A M A T I O N.

WHEREAS the assembling of the whole people for the election of persons, whereof to form a council, stands postponed until the twentieth instant : this is to make it known, that on account of the late bad weather, it is farther postponed until the twenty-eighth instant.

By command of the su-
perintendant
____ secretary.

Given under my hand and seal at
arms at Black River, this 18th
day of February.

ROBERT HODGSON.

No. XIII.

Letter from Captain Lawrie to Lieutenant Trelawny.

Black River, Mosquito Shore,
25th of February, 1769.

Dear Sir,

AS I was informed the other day by our friend Brearton, that you was in good health and happy amongst your friends, I take this opportunity of giving you joy, and at the same time to make you an offer of any services that may be in my power here; and should it be by any means in my power, it will give me much pleasure; but as they say there is something of self-interest that influences all our actions, I must confess a little in the following affair, in which I beg your assistance *in my own name, and the principal inhabitants here.* We have a person who calls himself our commanding officer, though I have seen nothing yet that gives him that right. He also informs some that we are independent of Jamaica,

maica, which, if so, gives us much concern, and in that case must look upon ourselves as abandoned by all the world. As I know the goodness of your heart, I must intreat you will inform me, by the first opportunity, what you think of our situation, or whether the governor of Jamaica has any orders regarding us; and whether you do not think it would be right for us to address his excellency, laying our situation before him. Many here are possessed of considerable interests, chiefly in negroes, whose interest it will be to provide for their safety in some other place. You will pardon this freedom, and believe me to be,

Dear Sir,

Your most obedient servant,

J. LAWRIE.

P. S. If you please you may present my best respects to his excellency, and that I am ready to render him any service in my power at this place.

To Thomas Trelawny, Esq.
Spanish-Town, Jamaica.

No. XIV.

Letter from Captain Hodgson to Captain Lawrie.

SIR,

In your letter to Mr. Thomas Trelawny, dated February 25th 1769, you make mention of me in the following words: "We have a person who calls himself our commanding officer, though I have seen nothing yet that gives him that right; he also informs some that we are, &c."

Those words must, to every indifferent person, convey an idea hurtful to me, with regard to my character and conduct, and which I do not deserve.

Therefore, I now ask you as a man of honour, to inform me whether that idea is consonant to what you intended when you wrote?

As I have mentioned the letter, I must say that there are other parts of it in which I differ much in opinion

from you, but which I think we may reconcile without difficulty.

Mosquito Shore,
July 28th, 1779.

I am, Sir,

Your humble servant,

ROBERT HODGSON.

Captain James Lawrie.

No. XV.

Captain Hodgson's Speech to the Inhabitants of the Mosquito Shore, about their Intention of representing their State and Distresses to the Throne, made the 7th of August, 1769.

Gentlemen,

I HAVE frequently mentioned in private, to such of you as have afforded me an opportunity, the expediency of representing, in a proper manner, the state of this settlement; but as I have not been happy enough to find that concurrence of sentiment I wished for, I have now assembled you together that I may open *myself*, and hear *you*, on this important subject, in the most general and public manner.

I am informed, Gentlemen, that you have lately been considering among yourselves the wants and necessities of this settlement. I am also informed, that you have adjusted your ideas and wishes on those heads. I have, therefore, to declare to you, that you will *now*, and *at all times*, find me ready to give you all the assistance in my power, and to support any representation that may be of service in those matters.

I have to acquaint you, that the channel for conveying information, relating to the state of this settlement to the crown, is now open; a channel with which you have already been made acquainted, and which is directed and ordered by the King, who has commanded me to transmit to the Secretary of State, for his Majesty, all matters of useful information relating to the internal state of the settlement.

In pursuance of this part of my instructions I now say, make me acquainted with your wants and desires, and I will with the utmost alacrity give my assistance to put them

them into form and method, and will certainly transmit them by the channel that is already mentioned.

I have to add, that as the King, in his royal wisdom, has determined upon and established this channel, it must require new directions from him before any other can be made use of with propriety; and even if, after a length of time, another should be obtained, it could not be so certain, so direct, or so desirable.

Therefore I repeat to you, gentlemen, that if you make known to me the distresses and state of the settlement, they shall be transmitted in order to be laid before his Majesty without delay; and I have no doubt but that in his royal wisdom and paternal love for his people, he will lend a ready ear to your request, and order every proper measure for your support and comfort.

No. XVI.

Letter from Captain Hodgson to Captain Lawrie.

Mosquito Shore, Aug. 8, 1769.

SIR,

YOU tell me you have been informed, by a letter from Jamaica, that I *there said I should be able to prove, that the inhabitants of the Musquito Shore did not desire you to write about that country's independence of Jamaica.* In the first place, I declare whoever wrote you that information, has endeavoured to impose upon you a falsity. I well know, that the inhabitants were consulting about a memorial to the governor of Jamaica on that subject, when you proposed to them the writing first a private letter to an acquaintance, to get him to afford you all the intelligence he was able on that particular, antecedent to any memorial which might be determined upon; that *they agreed to this, and desired you would write;* in consequence whereof you wrote your letter to Mr. Thomas Trelawny, dated February the 25th, 1769.

But you must allow me to recite, for the sake of my own honour, that that letter was sent away *before any other person had seen it except Mr. George Hewm* (owing, I believe, to the suddenness of the opportunity), and that I am perfectly satisfied no sort of reflection upon me

was thereby designed, as in your letter of the 5th instant you give me *your word of honour* that you did not intend any.

I am, Sir, with great truth,
Your most obedient,
And most humble servant,

ROBERT HODGSON.

Capt. James Lawrie.

No. XVII.

Letter from Captain Lawrie to Captain Hodgson.

SIR,

I RECEIVED yours, and to my satisfaction, only that paragraph regarding no body seeing the letter but George Hewm. If he had no seen it, it would not availed. I only knew I was at that time writing the sentiments of the inhabitants; however, the *letter from the public shall be heard of no more*, and am, Sir,

Black River,
Aug. 8. 1769,

Your most obedient servant,
J. LAWRIE.

Robert Hodgson, Esq.

No. XVIII.

Letter from Mr. Alexander Patterson to Captain Hodgson, concerning the Communication of the Governor of Cartago with the Mosquito Admiral Dilson.

Pearl Key Lagoon, Sept. 11th, 1769.

SIR,

I HAD the honour of a letter from you by a small vessel of Mr. Pitts, wherein you condescended to order me to lay before you any matter that might occur on this part of the Shore.

It is reported the Spaniards are attempting to alienate the affection of the Mosquitoes from the English. *That Jasper Hall and John Chord, two sensible Indians of Dilson's family,*

family, have been at Carritagua, in the neighbourhood of Martina, and received some presents, &c. from the governor and principal people there. That they (the Spaniards) propose this year routing the English, if they can get the Indians to connive at it, and building a fort at St. John's and Blewfields.

Mr. Abraham Tongston, who is going to Sandy Bay, and proposes seeing you before he returns, will inform you particularly of the whole.

I am, Sir, with the most profound respect,
Your most obedient, most devoted,
And most humble servant,

ALEX. PATTERSON.

Robert Hodgson, Esq.

No. XIX.

Letter from Mr. John Pott to Captain Hodgson, on the same Subject.

To Robert Hodgson, Esq. Commander in Chief on
the Mosquito Shore.

SIR,

I ARRIVED in this Lagoon the 16th ultimo, since which the inhabitants here have been under great concern, occasioned by a late improper commerce between some of the ancient natives in this Lagoon, and the Spaniards at Cartago; the circumstances of which are too obvious to go unnoticed: nor can so dangerous an attempt (as hath been consulted on by the above parties, which threatens the lives of his Britannick Majesty's subjects in this country), be too soon disconcerted by the earliest methods, necessary to be taken; reference to he had to your better judgment.

I have as such proposed *the most speediest intelligence being sent to you*, as commander in chief on this continent, in behalf of the English, who are become settlers thereon, and by way of petition to be sent express; because, at your pleasure, it would be found in some form for those gentlemen appointed under you, for redressing of every just complaint, tending for or against the safety,
interest,

interest, and welfare of all our good King's subjects residing on this Shore.

But no meeting yet had, nor that immediate likelihood the present case requires, I have thought it not only my duty as a subject, but as well my safety, and that of others, to give you the earliest intimation of this grievance, plainly seeing the necessity there is for your presence; I well knowing that delays many times are attended with danger, which cannot too soon be stayed. I speak feelingly in myself, nor have the least reason to doubt your good-will and resolution, in relieving us from such feeling complaints. Resting the redress on your superior ability, I remain, with all due submission and regard,

Sir, your most obedient, humble servant,

Pearl Key Lagoon,
September 16, 1769.

JOHN POTTS.

No. XX.

Letter from Mr. Abraham Tonoston to Captain Hodgson, on the same Subject.

Pearl Key Lagoon, Sept. 16, 1769.

SIR,

Your's I have received, and have expect you before this. There has been a great deal of disturbance here. I wish you will come up as soon as possible; for we expect the Spaniards to settle Blewfields very soon, if not prevented: for I understand they are sitting out of many seaport-towns, as also out of Grenada. Sir, according to your desire, I am in a fair way of settling a trade at Blewfields River. More at large when I see you. I expect to be at Sandy Bay in twelve days.

I am, Sir, your humble servant,

ABRAM TONOSTON.

Robert Hodgson, Esq.

No.

No. XXI.

*Memorial from the Windward Coast of the Mosquito Shore
to Sir William Trelawny.*

To his Excellency Sir William Trelawny, Bart.
Captain-General and Governor of the Island of
Jamaica, and the Territories thereon depending
in America, Chancellor, Vice-Admiral, &c. &c.

The humble Memorial of sundry Inhabitants residing
on the Windward Part of the Mosquito Shore,
sheweth,

THAT your memorialists labour under the greatest anxiety, on account of a disaffection of a part of Mosquito Indians, and have very substantial reasons to believe that they have entered into a treaty with the Spanish governor of Carthago, as the following circumstances will more particularly shew.

On the 24th June last, Jasper Hall (brother to the Mosquito admiral, Dilson) John Cost and Vizer, both Mosquito men, and of the Mosquito admiral's party together, a Spanish Indian, an interpreter, went in their craft to Rio de Matina, or Carpenter's River, where they were received by the Spanish look-out, and immediately conducted to the city of Carthago, and received and entertained by the governor Don Juanquin Nava (whom we understand has already sent a petition to your Excellency, under a blind, as we imagine to cover their real designs of cutting off the inhabitants on the coast.) After entertaining them at Carthago in a most pompous manner, they dispatched the above Vizer on the 25th July to the Mosquito admiral, Dilson, with several presents, and desiring a meeting with the Spanish governor, the purport of which was to obtain a concurrence of the admiral and his party to erect the following forts and fortifications, viz. at Blewfields, which belongs to the Mosquito Shore, and is the only good harbour on this coast, and a frontier settlement, and two others at St. John's and Blanco-point. In the interim, the Mosquito men were to withdraw within the limits of these forts, where they were to be attended by priests, to make them

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Christians, thereby to become natural subjects to the king of Spain.

Israel Sella, the Mollatto admiral, gave the first information to Abraham Tonoston, an inhabitant, in the following manner, viz. that as soon as Admiral Dilson's craft should return from the southward, he, Dilson, was to go instantly to Matina, and settle these matters with the Spaniards, in order to cut off the settlers on the coast, while the Mosquito men were to take the woods, wheel round, and so come within the limits of the forts as before mentioned; and we are farther informed, that the governor of Carthago has dispatched an exprefs to Porto Bello for an armed brigantine and half-galley, with stores and ammunitions for carrying on this scheme, and under a pretence of taking in a lading at Rio de Matina; and that as soon as the flood will permit the galleys in the lake Nicaragua are to come down to join the above armaments, and that they propose coming down all the rivers on the coast.

And for your Excellency's farther information, we, the principal part of the memorialists had a meeting with the Mosquito admiral, Dilson, this day; he does acknowledge all the above proposals being made to him by the Spaniards through the means of the above Jasper Hall, and by his behaviour in general, as well as from a former interview with Jasper Hall, and Dilson *refusing to shew the letters that came from the Spaniards*, which we are certain were conveyed to him through the hands of the said Jasper Hall, we have great reason to suspect that he is inclinable to the Spaniards.

The inhabitants living on this part of the shore, residing at a great distance from each other, renders them incapable of making the necessary defence against the Spanish designs. We thought we could not be too early in giving your Excellency the notice that these preparatives require.

We, therefore, your Excellency's memorialists, pray for such relief as your Excellency shall in your wisdom think meet.

JAMES LAWRIE,
Abm. Tonoston,
Hy. Jones,

Alexr. Patterson,
John Potts,
Tho. Nichs. L'Estrange,
John

John Porth,
Mary Timmons,
Rheuben Tonoſton,
Waller Young, govr.
Thimothy Britton,
BARTH. GILBERT,
James Haiſty,
William Weſton,
Pat. Poulfon,
Francis M'Daniel,
John Croft,
Wm. Penyard,
Wm. Keys,
John Young,
Elizabeth Young ſenr.
Elizabeth Young junr.
John Huſbands.
Ann Huſbands.
Sarah Young,
George Simpſon,
Thoms. Porter,
Thoms. Adams,

Robert Tonoſton,
John Lacay,
John Collins,
John Brown,
William Foſter,
Eliz. Grahm,
Abram Tonoſton junr.
Henry Tonoſton,
Eliz. Brown,
Sarah Fleming,
David Lamb,
Stephen Butler,
Chriſt. Garriſon,
Alexr. Gordon,
John Smith,
John Collins,
James Wright,
John Cotter,
Willm. Timmons,
Jane Timmons,
Jean Timmons.

Pearl Quay, Lagoon, on the Moſquito Shore,
7th October, 1769.

No. XXII.

*Letter from Captain Hodgſon to Mr. Alexander Patterſon, in
Answer to his, about the Governor of Cartago's Deſigns.*

Moſquito Shore, Oct. 9th, 1769.

SIR,

I HAVE received your letter of September 11th laſt. The intelligence you communicated to me certainly has *truth in it*, and I ſhall ſpare no pains in my power to prevent any evil ariſing to this ſettlement from the Spaniards or Moſquitoes.

I intend to be your way ſoon, as I am now nearly recovered; in the mean time, I wiſh you ſucceſs in your undertakings.

I am, Sir,

Yours, &c.

ROBERT HODGSON.

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No.

No. XXIII.

Captain Hodgson, in Answer to Mr. John Pott, on the same Subject.

Mosquito Shore, Oct. 9th, 1769.

S I R,

I HAVE received the duplicate of your letter of September 16th last, as also some other letters, confirming the Mosquitoes attempting a commerce, as they call it, with the Spaniards. By this opportunity I answer them all, and that from admiral Dilson particularly.

I should have been your way some time ago, but was prevented by a sudden dangerous disorder, from which I am nearly recovered, and shall set out for your part of the Shore as soon as possible; for I am of opinion that the matter you inform me of is serious, and ought to be well looked to.

I wish you could find out whether there was any collusion, or attempt towards agreement, about Bluefields, in Corrin's life-time; for, though I did not know enough to choose speaking of it, I had some grounds for suspecting that he had entered into such matter.

I heartily wish you, and every British subject, the most comfortable possession of your properties in this country, undisturbed by any more vexatious and impudent turns in the temper of the natives, to which at present we are too much exposed.

I am, Sir,

Yours, &c.

ROBERT HODGSON.

No. XXIV.

Captain Hodgson, in Answer to Mr. Abraham Tonoston, on the same Subject.

Mosquito Shore, Oct. 9th, 1769.

S I R,

I HAVE received your letter of September 16th last, and am very sorry that the Indians persist in acting untowardly; which, if it produces any thing, must, in the end,

end, light on their own heads. They might, with very little forecast and industry, supply every sort of want they ought to have.

I was seized with a very dangerous disorder (*an inflammation of the bowels*) just as I was setting out for your part of the Shore; but as I am now almost in order again, I shall *very soon* be with you, *if I can get any opportunity*; for I see very plainly that I am much wanted.

I told you once, that I thought Corrin had made some bargain with the Spaniards about Bluefields. I wish you would get what information you can about any such matter; for I cannot think the Spaniards will *venture* meddling with that place, except he had deluded them, by pretending what he had no right to. *As to St. John's, it is already their own.*

I wish, when you was at Sandy Bay, it had been convenient for you to have come hither; for I want much talk with you, knowing the very useful information you can give me about the Indians, &c.

I have written to Dilson, and enclose his letter, which I wish you would translate to him with the greatest exactness. You may let any of his countrymen you choose be by when you do so.

Any thing you settle of the kind you tell me, shall not be balked. I wish I could hear oftener from you, and more particularly.

I am

Your humble servant,

ROBERT HODGSON.

I enclose a letter to Mr. Alexander Patterfon.

No. XXV.

Extract of a Letter from Captain Hodgson to the Mosquito Admiral Dilson, dated Musquito Shore, 9 Oct. 1769.

I HAVE received your letter of September 16th last, and have to say, that I so well know that Englishmen and Mosquitomen in this country are good friends, except now and then little quarrels between single men.

I have nothing to say about your sending to make a commerce for cattle; but you must take care how you talk about the English.

Your

Your brother ought to have cursed the governor for speaking about them. Let me tell you, that if I hear much more that is true about your countrymen anywise talking about hurting the English, the King of England shall know all about it.

You know what Tempest has told you about the King of England's power, and what he can do. The King of England is your very good friend, and will also be so if your countrymen let him; for the English have now known you so long, that the King looks upon you as his own people and children.

I send you some of his presents by this craft, and when I come I shall bring a few more. The meaning of these presents is, that the King wants to shew you he thinks of you every year in a kind manner; and as you cannot understand letters, he sends little presents, because they are what you can understand.

No. XXVI.

Petition to the Throne from the Inhabitants of the Mosquito Shore, in 1769.

To the King's Most Excellent Majesty in Council,

The Petition of your Majesty's principal Subjects,
inhabiting the British Settlements on the Mosquito Shore,

Most humbly sheweth,

THAT the Mosquito Shore is a part of America which has never been conquered by or submitted to the Spaniards, neither have they ever had any sort of possession thereof. That the inhabitants have, almost ever since they were first discovered, maintained a strict friendship with the English, and have not suffered any other nation to live or trade with them, and have even made a formal cession of their country to the crown of Great Britain. That the country is nearly of the size of England, is remarkably fertile, and has been found capable of producing in perfection, and with ease, whatever grows in any part of the West Indies, and consequently of yielding a vast fund of commerce, navigation, and increased revenue to Great Britain, if the cultivation thereof were duly encouraged, and the safety of the planter and trader well secured. Its present exports are
large,

large, in proportion to the few white inhabitants who remain, being annually, at least, 10,000lb. weight of tortoise shell, 200,000lb. weight of sarsaparilla, 800,000 feet of mahogany, some cacao and indigo, beef-hides, deer-skins, silver, and a little gold-dust. The duties on only two of these articles, viz. the tortoise-shell and the sarsaparilla, when brought to England, amount to near 7,000*l.* sterling.

But the present circumstances of this very valuable country are most distressful and alarming, and oblige us to throw ourselves at your Majesty's feet, most humbly imploring your royal attention. We are obnoxious to every sort of violence, for want of some place of defence, or even of security or confinement, and at the same time are not able of ourselves to erect any. Of this even our negroes seem very sensible, and they have more than once given us reason to apprehend a total insurrection; as of late have also the Indians, who we find have been for some time tampered with by the Spaniards to destroy us; and we cannot hope to oppose with any success either of them, or to suppress any other outrages that may happen in the country; *neither can we enforce, or in some cases even attempt to execute, any sort of civil authority, for want of a military force to have recourse to on occasion.*

That still urged by our feelings, and trusting to your Majesty's royal goodness, so universally known, we venture to hope we may be pardoned for most humbly laying at your Majesty's feet the following things, that to us here upon the spot appear adapted to our situation, and without which we dread and believe the settlement must speedily sink for ever; viz. an established mode of constitutional government, supported with two independent companies, and the commander in chief on the Jamaica station to be ordered to assist the settlement on the Mosquito shore on any emergency, and to direct the ships of war that pass between that island and East or West Florida, to call here; as it need not, in the whole, delay their voyage above a fortnight; the countenance and shew of protection this would give, together with the sure means of conveying intelligence, would be of considerable advantage,

Therefore, we your Majesty's most faithful subjects,
humbly beg that your Majesty, in consideration
of the premises, will graciously be pleased to take
the

the Mosquito Shore under your royal care and protection, and to order such measures to be pursued with relation thereto, as shall in your Majesty's great wisdom seem most conducive to the important purposes aforesaid.

And your Majesty's petitioners shall ever pray, &c.

Black River, Mosquito shore,
October 17, 1769.

(Signed)

William Pitt,
George Hewm,
Philip Bode,
Js. Lawrie,
John Bourke,
Robert Stotesbury,
Bartholomew Alexander Pitt,
John Parker,
Philip John Morris,
George Gough,
Jonathan Burnet,
Jos. Dodgson,
James Home,
John Dill,
Moses Madox,
George Copland,
John Potts,
Benjamin Wyatt,
William Boon,
James Hoy.

Daniel Hewlett,
Thomas Marriot Perkins,
John Dodgson,
Wm. Stotesbury,
Bryan M^c. Daniell,
John Broster,
John Holyland,
David Harris,
William Hunt,
Henry Hardie,
Edward Philips,
John Sutherland,
Benjⁿ. Hirons,
John Threadkill,
Daniel Harly,
Christo. Garrison,
W^m. Wyatt,
Joseph Bourke,
Francis Ellis,

No. XXVII.

Letter from a Committee of the Inhabitants to Captain Hodgson, recommending the foregoing Petition to his Care and Assistance, in 1769.

Robert Hodgson, Esquire.

SIR,

THE inhabitants of the Mosquito Shore having appointed us as a committee to draw up a petition to the King's most excellent Majesty, therein representing the distressed situation of this valuable country, and praying his

his royal care and protection: we have accordingly drawn out such a petition, which has been universally approved of, and signed by the principal inhabitants; and now beg leave to inclose and recommend it to your care in forwarding it to his Majesty; and at the same time we entreat your representing to his Majesty the importance of this place to the British crown, and the very great likelihood of its being lost for ever, unless very speedily succoured.

We are, sir,
with due respect,
your most obedient humble servants,

Black River,
Oct. 17th, 1769.

Signed, William Pitt,
Daniel Hewlett,
George Hewm,
Thomas Marriott Perkins,

Philip Bode,
John Dodgson,
James Lawrie.

No. XXVIII.

*Another Letter from the Committee to Captain Hodgson on the
same Subject, in 1769.*

Robert Hodgson, Esquire.

SIR,

WE the committee appointed by the inhabitants of the Mosquito Shore, having drawn up a petition to his most excellent Majesty, which was universally approved of, and by us delivered unto you, on the 17th of this instant, after having been signed by thirty of the principal inhabitants, who were at that time present; and another opportunity now offering, by which you can forward a duplicate of our petition via Jamaica; we herewith inclose one, and in the names and behalf of all the inhabitants of the Mosquito Shore, beg leave to recommend the duplicate to your care in forwarding it to his Majesty; and *as we are certain that no gentleman whatever knows better than yourself what a very valuable country this is, and the great importance thereof in several respects to Great Britain*, whose title to it is indisputable, and consequently the very great revenue it would soon add to the British crown, if the cultivation and trade thereof were speedily encouraged by the royal compliance

† D

with

with our humble petition, and without which we cannot expect the place to have any new settlers, but that it will be irretrievably lost to Great Britain: we entreat that you will represent in a proper light to our most gracious Sovereign, every thing necessary to obtain relief for the place in its most distressful and alarming situation: and we shall now only add, that eleven of the principal inhabitants who have signed the inclosed duplicate were absent when the original petition was signed; and two others who signed the original petition have been absent ever since, therefore know nothing of our now having an opportunity to send a duplicate.

We are, fir,
with great respect,
your most obedient humble servants.

Black River,
Oct. 27th, 1769.

Signed, William Pitt,
George Hewm,
Daniel Hewlett,
Thomas Marriott Perkins,

James Lawrie,
Philip Bode,
John Dodgson.

No. XXIX.

Precept of the Justices on the Mosquito Shore, to the Constable for Summoning a Jury for the Quarter Sessions of March 1770.

Black River, March Court, 1770.
Mosquito Shore.

BY virtue of a proclamation, dated July 26th, 1768, published by Robert Hodgson, Esq. superintendant, &c. of the Musquito Shore.

We William Pitt, and Daniel Hewlett, Esqs. justices of our sovereign lord the King, assigned to keep the peace on the Mosquito Shore aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said Mosquito Shore committed:

To William Gould, sworn constable for the precinct of Mestee Creek, and Cape River, on the said Shore, greeting,

On the behalf of our sovereign lord the King, we command you, that you omit not by reason of any liberty

erty within the said Mosquito Shore, but that you enter therein, and that you cause to come before us, or others, justices assigned to keep the peace on the said Mosquito Shore, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said Mosquito Shore committed, on the last Tuesday in March next, ensuing, at the hour of ten in the forenoon of the said day, &c. &c.

No. XXX.

Extract of Proceedings at the Quarter Sessions in March 1770, to shew that Captain Lawrie placed himself on the Bench as a Justice.

Black River, Mosquito Shore.

AT the general quarter sessions of the peace holden at Black River, in and for the Mosquito Shore, aforesaid, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and seventy.

Magistrates present.

Daniel Hewlett, }
James Lawrie, } Esqrs. justices of the peace.
James Hoy, Clk. Pa.

Jury, viz.

Edward Murphy, Foreman,	John Broster,
George Hewm,	William Hunt,
Philip John Morris,	William Boone,
Moses Maddox,	Francis Weaver,
Robert Stotesbury,	John Saunders,
David Harris,	Edward Philips.

Adams against
Boardman.

This action continued over to the next sessions, per desire of the plaintiff James Adams.

No. XXX I.

Notification concerning Lands said to be alienated by the Indians.

Mosquito Shore, ff.

(L. S.)

By Robert Hodgson, Esq. Superintendant of the Mosquito Shore.

IN order to *prevent* as much as possible the *disputes* and *matters of discussion* which are likely to arise concerning tracts of land said to be purchased from, or given and granted by the Mosquito Indians, it is hereby required and directed, that all persons who think themselves entitled to any tract or tracts of land on the Mosquito Shore, do cause their respective titles or pretensions to be registered in a book, which shall be kept for that purpose by the clerk of the peace at Black river on the said Shore, that the validity of their claims may be examined : and it is hereby declared, that whoever neglects to comply with this requisition for the space of twelve months from the date hereof, if resident on, or eighteen months, if now absent from the said Shore, shall not afterwards have benefit from such bargains, gifts, or grants.

It is also hereby farther declared, that no future Indian bargains, gifts, or grants, of or for land on the said Shore, shall be valid, without the ratification of the superintendant.

Given under my hand and seal at arms at Blewfields, on the said Shore, this 5th day of April, in the tenth year of his Majesty's reign, annoq. Domini 1770.

ROBERT HODGSON.

By command of the superintendant,
Signed, Tho. Warren, sec.

No.

No. XXXII.

*Another Precept issued by the Justices on the Mosquito Shore,
for a Jury to be summoned for the Quarter Sessions.*

Black River,
Mosquito Shore,

June Court, 1770.

BY virtue of a proclamation, dated July 26th, 1768, published by Robert Hodgson, Esq. superintendant, &c. of the Mosquito Shore.

We William Pitt and Daniel Hewlett, Esqrs, justices of our sovereign lord the King, assigned to keep the peace on the Mosquito Shore aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors, on the said Mosquito Shore committed :

To John Taylor, sworn constable for the precinct aforesaid, greeting.

On the behalf of our Sovereign Lord the King, we command you, that you omit not, by reason of any liberty within the said Mosquito Shore, but that you enter therein ; and that you cause to come before us, or others justices assigned to keep the peace on the said Mosquito Shore, and also to hear and determine divers felonies, trespasses, and other misdemeanors, in the said Mosquito Shore committed, on Tuesday the 26th day of June next, at the hour of ten in the forenoon of the same day, at Black River, in the Mosquito Shore aforesaid, twenty-four good and lawful men of the body of the Mosquito Shore aforesaid ; then and there to enquire, present, do, and perform all and singular such things which, on the behalf of our sovereign lord the King, shall be enjoined them ; also, that you make known to all coroners, keepers of goals, and houses of correction, high constables, and bailiffs of liberties, within the Mosquito Shore aforesaid, that they be then and there to do and perform those things, which, by reason of their office, shall be to be done.

Moreover, that you cause to be proclaimed through the said Mosquito Shore, in proper places, the aforesaid sessions of the peace, to be held at the day and place aforesaid ; and do you be then and there to do and execute

ecute those things which belong to your office ; and have you as well the names of the jurors, coroners, keepers of goals and of houses of correction, high constables, and bailiffs afore said, as also this precept.

Given under our hands and seals, at Black River, on the Mosquito Shore afore said, the 22d day of May, in the tenth year of his Majesty's reign, anno. Dom. 1770.

DANIEL HEWLETT. (L. S.)
WILLIAM PITT. (L. S.)

No. XXXIII.

Letter from Captain Lawrie to Captain Hodgson.

SIR,

AS I find *Mr. Pitt* will not sit at the court, I find I shall be under the necessity of being there, otherwise a stop will be put to the course of justice.

I am, Sir,

Sept. 25th,
1770.

Your most humble servant,

J. LAWRIE.

No. XXXIV.

Extract of a Letter from Captain Hodgson to the Earl of Hillsborough, dated Oct. 7, 1770.

“ BUT I must with some concern inform your
“ Lordship, that a single periagua which had set out by
“ itself, and by keeping far off at sea had escaped my
“ canoe, fell upon and took a small Spanish schooner in
“ the St. John's branch of the Lake Nicaragua. The
“ Mosquitoes would have burnt her, but an English-
“ man, whose vessel was near foundering, ventured to
“ buy her from them, by which means she will in all
“ probability soon come in my way, and then I shall seize
“ her, and send her back: the doing of which I hope
“ will serve to enforce the argument in favour of the
“ complainant in the enclosed paper, concerning a vessel
“ belonging to this place which has been taken by the
“ Spaniards.”

No.

No. XXXV.

Certificate from Capt. Hodgson, sent with the Schooner Nicaragua, to the Governor of Jamaica.

Mosquito Shore, ff.
(L. S.)

By Robert Hodgson, Esquire, his Majesty's Superintendant of the Mosquito Shore.

THESE are to certify all whom it may concern, that the schooner, called the Nicaragua, Israel Boardman, master, is supposed to be the property of Spaniards, who deserted her from apprehension of the Mosquito Indians; that thereupon the said Indians took possession of, and sold her to Philip Bode, an Englishman, in April last: and also further to certify, that in October last I seized her in his Majesty's name from the said Philip Bode, in order to restore her to her supposed proper owners; but not being able to procure sufficient people to navigate her to the most likely place for that purpose directly, I have fitted her for, and ordered the abovesaid Master to proceed with her to Kingston in Jamaica, where the circumstances of her case will be laid before his Excellency the Governor of that island.

Given under my hand and seal at arms, at Black River, on the Mosquito Shore, this 22d day of December, in the eleventh year of his Majesty's reign, anno Domini, 1770.

ROBT. HODGSON.

XXXVI.

Bill of the Lading of the Schooner Nicaragua, when sent to Jamaica.

SHIPPED, by the grace of God, in good order, and well conditioned, by Robert Hodgson, Esq. on his own account and risque, in and upon the good schooner, called the Nicaragua, whereof is master, under God, for this present voyage, myself (Israel Boardman) and
now

now riding at anchor in Black River, Mosquito Shore, and by God's grace bound to Kingston in Jamaica, to say, eighteen mahogany planks, and two hundred and forty-six mahogany boards, the whole supposed to contain seven thousand seven hundred feet, superficial measure, being numbered as in the margin, and are to be delivered in like good order, and well conditioned, at the aforesaid port of Kingston, the dangers of the seas only excepted, unto the aforesaid Robert Hodgson, or to his assigns, he or they paying freight for the said goods at the rate of three halfpence, Jamaica currency, per foot, superficial, according to the measurement thereof for sale, with primage and average accustomed. In witness whereof I have signed this bill of lading, at Black River, on the Mosquito Shore, this 22d day of December, 1770.

ISRAEL BOARDMAN.

XXXVII.

Certificate of John Smith's Title and Oath about the Schooner Nicaragua, called by him Our Bett, on his purchasing her at public Sale.

THESE are to certify all whom it may concern, that the schooner formerly called the Nicaragua, but now Our Bett, John Smith, master, is Spanish built, and having been sold by public outcry for the benefit of her former owners, the aforesaid John Smith lawfully purchased her, and maketh oath, that she being a square-sterned vessel, burthen about twenty tons, is owned by himself only, and that no foreigner, either directly or indirectly, hath any part or share therein.

JOHN SMITH.

Sworn before me this
21st March, 1771.

ROBERT HODGSON.

And it is hereby farther certified, that this certificate or register for the said schooner, Our Bett, John Smith, master, is recorded in the only book of public record on the Mosquito Shore, aforesaid.

Given

Given under my hand and seal at arms this 21st day
of March, in the eleventh year of his Majesty's
reign, anno Domini, 1771.

ROBERT HODGSON.

By Command of the
Superintendent,

JOHN GALLEN.

(N. B. John Gallen is one of Mr. Hodgson's accusers.)

No. XXXVIII.

*Letter from Capt. Hodgson to Mr. Philip Bode, about the
Schooner Nicaragua.*

SIR,

I BEG the favour of you to acquaint the teniente
of Carpenters River (or Valle de Matina) that last No-
vember I had an opportunity of making a public seizure
of the schooner then called the Nicaragua; that I have
endeavoured much, and at a large expence, to send her
back to the place from whence she was taken; but not
being able to do so, and the alternatives that then pre-
sented themselves being either to let her be speedily eat
up by the worms, or sell her, I chose the latter; *and on
the 21st instant she was publickly sold by outcry to John Smith,*
late of London, *for sixty-six pounds,* Jamaica currency,
for the benefit of her proper owners, who, after deduct-
ing some expences upon her, shall at any time be paid
the remaining balance, on their producing, or sending
proper credentials for the business.

I am, Sir,

your most humble servant,

ROB. HODGSON.

Black River, Mosquito Shore,

March 29, 1771.

Mr. Philip Bode.

No. XXXIX.

Dedimus potestatem from Sir William Trelawny to William Pitt, Esq. for him to swear in the Magistrates of the Commission of the Peace, of the same Date.

JAMAICA, ff.

GEORGE the Third, by the Grace of God
of Great Britain, France, and Ireland, King,
and of Jamaica, Lord, Defender of the Faith,
&c.

To our trusty and well-beloved Subject, the Honourable
William Pitt, Esquire, greeting,

KNOW you that we do hereby constitute and appoint you the said William Pitt to administer unto Daniel Hewlett, James Lawrie, George Hewm, John Bourke, Philip Bode, John Dodgson, Abraham Gill, Christopher Garrison, and Alexander Patterson, Esqrs. the oath of Allegiance and Supremacy, and also the oath of Abjuration, and the Assurance appointed to be taken by an act of parliament, passed in the sixth year of his present Majesty's reign, entitled, An Act for altering the oath of Abjuration and the Assurance, &c. and also to hear and see them respectively repeat and subscribe the Test, and also the usual oath of justice of the peace for the Mosquito Shore; and having so done, you are to make due return thereof to our Captain-General and Governor in chief of our said island.

Witness, his Excellency Sir William Trelawney, Bart. Captain-General and Governor in chief of our said island of Jamaica, and the territories thereon depending in America, Chancellor and Vice-Admiral of the same, at Saint Jago de la Vega, the sixth day of April, in the eleventh year of our reign, anno Domini, 1771.

By his Excellency's Command,
THOS. TRELAWNY, (L. S.)

W. TRELAWNY.

No. XL.

Letter from the Governor of Jamaica's Secretary about the Schooner Our Bett, formerly the Spanish Schooner Nicaragua, in order to examine Circumstances attending her.

SIR,

I AM commanded by his excellency to acquaint you, that he desires the schooner Our Bett *may not sail* from this island till you hear from him again; and that you will direct *Mr. John Smith*, the master of her, to wait upon the governor on Monday next as early as he can.

I am, Sir,

Saturday, 1st June.

Your most obedient servant,

G. GEFFERINA.

Mr. John Reay, merchant,
to whom the schooner was
consigned.

No. XLI.

Another Letter from the Governor of Jamaica's Secretary for the same Purpose.

SIR,

THE governor desires that Mr. Reay will be so good as to come to him tomorrow morning as early as possible, *and bring with him the Our Bett's papers*, i. e. register and certificate, &c.

I now send the pattern; buy what you think best for the negroes; fruit I will get here.

Your's in great haste,

G. GEFFERINA.

Rob. Forrester, Esq.
(Master in Chancery.)

No. XLII.

Extract of a Letter from Sir William Trelawny, about the Schooner Nicaragua, dated June 2d 1771.

“ SIR,

“ MY letter to you of the 8th of April will have
“ shewn you my solicitude for the immediate restoration
“ of the schooner, called the Nicaragua, and it gives me
“ much concern, that any circumstances have arisen to
“ prevent it.

“ The Spaniards were certainly injured by the Mos-
“ quitomen in the capture of the vessel. They were
“ again injured by Mr. Bode, the English merchant,
“ who, under pretence of serving them by his interfe-
“ rence, appears to have saved the vessel from Mosquito
“ depredation chiefly to answer a private purpose. They
“ will with difficulty conceive the necessity of your
“ bringing her to Jamaica, and they must think them-
“ selves injured by almost every step that has been taken
“ since; how possible however it may be to justify these
“ steps, by a minute detail of local and temporary mo-
“ tives.

“ It appears to me, therefore, that the tender of a sa-
“ tisfactory equivalent is the only way now in our
“ power to remove their reasonable suspicion of our
“ encouraging the piracy.

“ I cannot conceive that Lord Hillsborough's words,
“ respecting your letters to the officers of the crown of
“ Spain, could ingenuously be construed into a prohi-
“ bition on the present occasion; as the written offer
“ and assurance of a friendly act can in no event be pro-
“ ductive of offensive discussion, and would have been a
“ much properer mode of communication than a mes-
“ sage to be delivered by Mr. Bode, who, in this trans-
“ action, seems rather to deserve censure than confi-
“ dence; I do therefore direct you, without loss of
“ time, to acquaint the teniente of Carpenter's River,
“ that you are ready to pay to the former owners the
“ full value of the schooner at the time of capture,
“ without any deduction whatever. You will give the
“ most favourable colour to every thing that has passed,
“ and

“ and send me the vouchers of your immediate compliance.

“ You shall be repaid out of the contingent fund, and may draw upon me for the amount.”

No. XLIII.

A Register of the Affidavit of Mr. John Smith, proving him to be the Owner of the Schooner, formerly the Nicaragua, now called Our Bett, in June 1771.

IN pursuance of an act made the seventh and eighth of King William the Third, entitled, “ An Act for preventing Frauds, and regulating Abuses in the Plantation-Trade,”

W. Trelawny.

John Smith maketh oath, that the ship called the Our Bett, of Mosquito Shore, whereof he, this deponent, is at present master, being a square sterned schooner, of the burthen of twenty tons, or thereabouts, was built in Spain, and sold at public outcry, for the benefit of her former owners, as appears by a certificate now delivered up, and that he, this deponent, is

J. Davison,
Collector,

at present sole owner thereof; and that no foreigner, directly or indirectly, hath any share, or part, or interest, therein. Dated at the custom-house, Kingston, the 5th day of June 1771,

P. Woolfrys,
Comptroller.

J. SMITH.

Personally appeared before me, John Smith, and was duly sworn to the above register, this 5th day of June 1771.

Tho. Bullock,
Naval Officer.

ROB. EVANS, Dep. Sec.
Ship's Register.

No.

No. XLIV.

*Sir William Trelawny's Clearance in the Schooner Our Bett,
formerly the Nicaragua.*

His Excellency Sir William Trelawny, Bart.
Captain - General, Governor, and Com-
mander in Chief in and over this his Ma-
jesty's Island of Jamaica, and other the Ter-
ritories thereon depending in America,
Chancellor and Vice-Admiral of the same,
&c.

To all to whom these Presents shall come, greeting.

KNOW ye, that I do hereby certify and make known, that John Smith, master of the schooner Our Bett, hath appeared before me, and made oath, that his said schooner, containing about twenty tons, of which he is at present master, doth belong to the subjects of his most sacred Majesty the King of Great-Britain, &c. And in regard it would be most acceptable that the said master be assisted in his just and lawful affairs, do therefore request you, wheresoever the said master shall arrive with his said sloop, that you receive him as one of his Majesty's subjects, and admit him, upon paying the lawful and usual customs, and other duties, to enter into, remain in, and pass from your ports, rivers, and dominions, and there to enjoy all kind of right of navigation, traffic, and commerce, which shall be acknowledged on all occasions.

In testimony and confirmation whereof I have hereunto set my hand, and caused my seal at arms to be affixed, at St. Jago de la Vega, the 5th day of June, being the eleventh year of the reign of our Sovereign Lord George the Third, by the Grace of God, King of Great Britain, &c. anno. Dom. 1771.

W. TRELAWNY.

Passed the Secretary's office.
John Swinney, Dep. Sec.

No. XLV.

*Letter from Captain Hodgson to the Teniente of Carpenter's
River about the Schooner Nicaragua.*

Black River, Mosquito Shore,
July 1st, 1771.

SIR,

SOME time past I wrote to an English merchant who was going your way, requiring him to inform you that the Spanish schooner, belonging to Signor Pablo Mora, had, since her capture by the Mosquito Indians, been seized by me at this place; and that, as the best thing I could then do for her lawful owners, I had sold her at public outcry. The sum she sold for could not be a sufficient compensation for the damage sustained; however, I embraced with alacrity, the first opportunity I had of conveying information, that as far as it would go, it might, without delay, be received.

But the smallness of the sum, and the footing it was upon, suiting neither my wishes nor expectations, I did not then choose to write in the authentic manner I now do, when I inform you, that I am directed to acquaint you, that I am ready to pay the owners the full value of the said schooner at the time of capture, without any deduction whatever. This, sir, I desire you to communicate to those it may concern, that it may be fulfilled as soon as possible.

I have to add, that the said owner or owners, may, if they choose it, have the schooner again in part of her value as above mentioned, and whoever they send with proper credentials to this place about the matter, shall be certain of protection.

I wish this pleasing instance of the rectitude of the British government could have been sooner brought into effect; but that has been impossible, chiefly from the difficulty of intercourse in these scarcely explored countries.

I am with, sir, &c.

ROBERT HODGSON.

No.

No. XLVI.

Mr. John Smith's Declaration, that he bought the Schooner Nicaragua for himself only, without collusion.

Black River, Mosquito Shore,
July 24th, 1771.

I JOHN SMITH, mariner, late Master of the schooner the Our Bett, do solemnly declare, that I never received any direction or hint, directly, or indirectly, or any wise collusively, from Robert Hodgson, Esquire, to buy the said schooner (then called the Nicaragua,) either for him, myself, or any other person whatever, but that I did it purely of my own accord, from motives arising in my own breast; neither did I at any time whatever receive from him or any one else, either directly, or indirectly, any hint or direction not to bring letters from Jamaica to the Mosquito Shore, neither did I ever refuse to bring any. And I farthermore say, that of the truth of all this I am ready and willing to make my affidavit on the holy Evangelists wherever it may be thought necessary, or I be required to do so. In testimony whereof I now write my name

JOHN SMITH.

No. XLVII.

Mr. John Smith's Resale of the Schooner Nicaragua, when he redelivered her to Captain Hodgson; the Name of the Purchaser left Blank, in order to insert that of her former Spanish Owner when required, in conformity to No. 45.

Black River, }
Mosquito Shore. } ff.

KNOW all men by these presents, that I John Smith, of the city of London, mariner, for and in consideration of the sum of _____ lawful money of the island of Jamaica, to me in hand paid by _____ the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do bargain and sell unto the said _____ a square stern,

stern, rigged schooner, called *Our Bett*, with masts, sails, and rigging, belonging to said schooner, To have and to hold the said schooner called *Our Bett*, as aforesaid, to the aforesaid heirs, administrators, and assigns, to their sole use, and behoof for ever. And I, the aforesaid John Smith, for myself, my heirs, and assigns for ever renounce, all claim, right, or title, unto the aforesaid bargained premises.

In testimony whereof I have hereunto set my hand and seal, this twenty-fourth day of July in the year of our Lord one thousand seven hundred and seventy-one.

JOHN SMITH. (L. S.)

Signed, sealed, and delivered in
presence of JOHN GALLEN.

(N. B.) Mr. Gallen is one of Mr. Hodgson's accusers.)

Mosquito Shore, 25th July, 1771.

I ACKNOWLEDGE to have settled the within bill of Sale, as mentioned within, and the same is hereby discharged, for me, my heirs and assigns.

JOHN SMITH.

No. XLVIII.

John Christopherz's Letter to Captain Hodgson, about General Tempest's robbing and capturing some Spaniards in their own Territory, i. e. to the westward of Truxillo.

Black River, August 4th, 1771.

SIR,

THIS morning arrived the Mosquito Indian general Tempest, with his Periagua, *from the westward of Truxillo*; and on being informed he had made some Spaniards captives, I went personally, and there saw three Spanish Mulattoes and Samboes, his Catholic Majesty's subjects, in confinement. These Spanish Mulattoes and Samboes I actually employed, and advanced them in goods to the amount of 29l. 2s. 6d. Jamaica currency, with a view of digging farze for my use, as well to pay off the first demands I have against them, as to preserve a commerce with that nation, so essentially necessary for the

† F

good

good of the whole community. I must beg leave to acquaint you, that they have likewise (I mean general Tempest) taken away what farze they had already procured for me, and have sufficient reason to think the general is selling it on this bank. Such a step as this, taken by the Mosquito men, must infallibly be of infinite detriment to the trade of this our infant colony, and productive of the most pernicious consequences, if not immediately remedied; first, by *ransoming* these captives, which, if done, will encourage the Mosquito men to future excursions of the like kind; secondly, by deterring the Spaniards from coming down to trade with us; and, lastly, will prevent our importation of goods for a trade which cannot be carried on without danger to both nations. I therefore presume, that you, sir, being vested with authority from the court of Great Britain, with a view of preserving a friendly intercourse between all parties, will inspect into the affair, as well to render justice to the whole community, as at present to your injured,

Most humble servant,

JOHN CHRISTOPHERZ.

To Robert Hodgson, Esq.

No. XLIX.

Letter from Capt. Hodgson to Capt. Lynn of the Garland Man of War, desiring his Interposition to prevent the Rebels from their holding their Quarter-sessions.

Black River, Mosquito Shore, Sept. 24th, 1771.

SIR,

TWO persons, Mr. George Hewm and Mr. John Bourke, who were justices of the peace, but on June 25th last peremptorily insisted on and received their quietus, and on the same or next day assumed the exercise of their former authority, under the name of conservators of the peace, without any sort of legal appointment whatever, are now certainly going to hold, if not actually holding an assembly, at the tavern of Robert Stotesbury in this place, in which they use all the power
of

of a court of a quarter-sessions, and call it a sessions of the peace.

Their temerity in this is without precedent, and the tendency of it of very alarming consideration; though perhaps, from the want of more knowledge in the people, not quite deserving the term it would meet with in any other country.

However, such being the fact, it becomes a very material part of my duty to do what I can to stop its progress.

Therefore, Sir, as the only means that present themselves to me, I now acquaint you thereof, that you as a magistrate properly qualified (even according to these people's own notions) and enabled to do so, may take farther cognizance, and also such steps as are expedient towards preventing a continuance of this assumed power.

I am, with great regard, Sir,

Your most obedient,

And most humble servant,

ROBERT HODGSON.

No. L.

Extract of a Letter from Sir William Trelawny to Capt. Hodgson, approving of what he had written about the Schooner Nicaragua to the Teniente of Carpenter's River, dated January 8, 1772.

YOUR letter to the teniente of Carpenter's River has my full approbation.

No. LI.

Sir William Trelawny's Letter of Reprehension being his only Reply to the Address of the Revolters (dated Sept. 28th, 1771) which was received by him the preceding Month; with this Letter he sent the Remedy for the Distresses of the Settlement, viz. a new Commission of the Peace.

Jamaica, January 8th, 1772.

I AM commanded by his Excellency to acquaint you that the hasty credit which seems to have been given by

you and your two associates to unauthorized reports, that the superintendant designed to interrupt your proceedings while you were acting under his Excellency's commission; the demand of your quietus when the death of Mr. William Pitt had put it *out of your power* to requalify; and your immediate compliance with a very irregular application, the pretended necessity of which was of *your own creation*, appear to his Excellency so extremely imprudent, that he cannot but highly disapprove of your conduct.

His Excellency has, however, continued you and Mr. John Bourke in the magistracy, in hopes that you will prove yourselves more worthy of his confidence by your future cautious and dispassionate attention to procure the welfare by promoting the harmony of the Mosquito Shore.

But the very active part which he has reason to believe Mr. George Hewm took in the last disorders has determined his Excellency to suspend him till the conviction of his error inclines him to such an acknowledgement of it; and such an alteration of behaviour as may justify his Excellency in trusting him again with power.

If you have proceeded to judicial decisions since you took your quietus, such decisions are invalid; and his Excellency expects that you will use your utmost endeavours to prevent any ill consequences that might flow from them.

I am, &c.

Daniel Hewlett, Esq.

(signed) G. GEFERINA.

No. LII.

Letters of Correspondence between Capt. Hodgson and Daniel Hewlett, Esq. the Custos, about the Commission of the Peace sent by Sir William Trelawny in January 1772 (with the foregoing Letter.)

Black River, Mosquito Shore, Feb. 3d, 1772.

SIR,

HIS Excellency the governor of Jamaica acquainted me that he has been pleased to continue you and Mr.
Bourke

Bourke in the commission of the peace, and that you are the senior, and also keeper of the records of sessions.

In consequence of this, I think it my duty to urge to you the emergency there is for the speediest qualifications of yourself and the other justices of the peace, the country at present being in the alarming circumstance of not having any.

I also have to desire you to acquaint me when you either have done or shall do so, as I have nothing else but the occasion there is for my knowing it that now keeps me from going along the coast, where the qualifications of three other justices depend on my presence, but which (the qualifications) I think cannot well be given them till the grand commission is in force, particularly as two of them at least are puiſne to the others mentioned therein. I beg your answer as speedily as may be, because of the necessity I am under, I setting out on my voyage to day or to-morrow.

I am, Sir,

Your most obedient humble servant,
ROBERT HODGSON.

Mr. Daniel Hewlett.

Feb. 3d, 1772.

SIR,

I RECEIVED your's, and it is certain his Excellency has continued me and Mr. Bourke in the commission which will be in force this afternoon,

I am, Sir,

Your most obedient servant,
DANIEL HEWLETT.

To Robert Hodgson, Esq.

Feb. 4th, 1772.

SIR,

I AM under the necessity of again asking you, whether the grand commission of the peace is yet in force or not.

I am, &c.

Mr. Daniel Hewlett.

ROBERT HODGSON.

SIR,

THE grand commission *is* in force.

Sunday morning, I am, Sir,

Feb. 4, 1772.

Your most humble servant,

To Robt. Hodgson, Esq.

DANIEL HEWLETT.

No.

No. LIII.

Letter from Captain Lawrie and four other Inhabitants of the Mosquito Shore (of whom the three first were three of the Conservators of the Peace elected by the Revolters then on the Shore, and the two last were Assistants), desiring to consult with Captain Hodgson on the Welfare of the Country.

Jan. 26th, 1763.

S I R,

As you are soon to embark for Jamaica, before you go, we would be glad of having an opportunity of consulting with you upon several matters which regard the welfare of his country. Please acquaint us when and where we shall meet you for that purpose.

We are, Sir,

Your most obedient servants,

J. Lawrie, Thomas Marriot Perkins,
George Hewm, William Lister.
John Bourke,

N. B. If you please we will meet at Mrs. Stotefbury's this evening, or to-morrow morning.

Robert Hodgson, Esq.

No. LIV.

Letter from Captain Lawrie and other Inhabitants of the Shore, acknowledging their Obligation to Captain Hodgson for his Assistance.

S I R,

WE have received your letter of this day's date, enclosing copy of a letter which we requested you to assist us with, and for which we are much obliged to you; but as a person who signed our letter to you the other day is now absent, we propose meeting at seven o'clock to-morrow morning, to consult on the letter, and then to have it wrote fair and in a proper manner; and if it can possibly be done in time, to send it under your care, we shall then deliver it to you; otherwise we will certainly have

have it ready and enclose it under cover to you, sending by Captain Axen, who will sail within two or three days.

We are, Sir,

Your most obedient humble servants,

J. Lawrie,	Jos. Dodgson,
John Bourke,	William Lister.
T. M. Perkins,	John Pitt.

Mosquito Shore,
January 28th 1773.

Robert Hodgson, Esq.

No. LV.

A Letter from Capt. Lawrie and other Inhabitants of the Mosquito Shore, in Behalf of the Settlement, to Governor Dalling, requesting, among other Things, a Council.

Black River, Mosquito Shore, Jan. 30, 1773.

SIR,

WE, the principal inhabitants of the Mosquito Shore, hope your honour will be pleased to favour us with your attention, for the sake of the very valuable settlement we possess, and in maintaining which, we, flattered by our hopes, have persevered through a series of discouragements, and through every bad effect, that the ill-adopted policy wherewith we have been treated, could bring upon us, but under which we can no longer hold up our heads, with a pleasing consciousness of our being British subjects.

At present we are without magistrates, exposed to every attempt of violence and trespass on our persons and properties, and in short every circumstance of the settlement on the brink of a general confusion.

In this situation we hope for some relief by your honour's issuing a new commission of the peace, nominating such persons for justices as may do credit to their appointment, humbly wishing that as your honour cannot be so well informed of them in Jamaica, you would rather receive your intelligence from those who are more immediately acquainted with us.

But

But we are obliged to observe that *we feel by experience*, that a bench of justices is by no means *competent* for the regulation this settlement requires, and that we cannot regard our quarter-sessions as *adequate* to every matter that we are under a necessity of bringing before them, and before them only; at present, indeed, we have not even that recourse, although among other matters we have various actions in suit, amounting together to upwards of twelve thousand pounds.

As we leave much of these matters, as also the state of our militia, to be represented to your honour by the superintendant, we hasten to lay before your honour our most earnest and unanimous request; dictated by our circumstances, necessities, *and most considerate judgment*.

Our request is, that your honour would be pleased to authorize, or otherwise allow us, or countenance us in electing annually from among ourselves twelve persons, whereof to form such a council as is pointed out by *his late Majesty's act in council*, bearing date June 14th 1744, relative to the Bay of Honduras, for the purpose of making bye-laws (agreeable to the laws of England), for the peace, policy, and good order of the settlement, and for deciding in a summary way (agreeable to the said laws of England) all cases that may be immediately brought before them by consent of parties, or upon appeal from the quarter-sessions.

We beg leave humbly to say that your honour's approbation of the above will, in our opinion, make *a distracted settlement happy*; and we always shall be with the utmost gratitude and the most profound respect,

Sir, your honour's

Most obedient,

And most humble servants,

James Lawrie,

John Pitt,

P. Bode,

Thomas Marriot Perkins,

William Lister,

Joseph Dodgson,

John Bourke.

No. LVI.

Letter to Captain Hodgson from Captain Lawrie, and four other Claimants of a large Tract of Land on the Shore, called Albera Poyer, which comprises four Millions of Acres. This Letter virtually denies the King's Right to the Country; threatens Captain Hodgson if he did not coalesce with them; and in effect holds out a Tender of being thoroughly united to him if he would.

S I R,

WE have been informed, that on your departure from hence, you expressed yourself in such terms as to intimate, that on your arrival in Jamaica, you proposed representing to the governor the illegality, as you are pleased to term it, of our holding, along with some gentlemen in England, a tract of land in the river, purchased by us of the Mosquito King, &c. but we hope you do not indeed design, putting it into execution.

Not that we apprehend, were you so inclined, that it can be attended with the ill consequence of depriving us of our title, or even preventing *our proceeding therein as we shall think proper* and necessary, especially as it has been undertaken with the approbation of the minister of state for this department. And should we suffer, by any indiscretion or arbitrary attempt, you may depend on being obliged to answer it as far as the laws of Great Britain will allow. *The ceding of this country to Britain was never accepted of, or, if Britain had accepted, we should have been protected as Britons long ere now;* and you know, as well as any man, that in making a bargain both parties must agree, otherwise it cannot be a bargain. If this is true, which we can prove, the Mosquito King can sell his lands, and we *will* hold them. However, a public remonstrance or movement of that sort, especially, should it transpire to more remote parts, may not only affect us, but also the community in general, laying yourself liable to bear a part in any distresses that may ensue on that account, and it may naturally be supposed, on the same principle divest you of your much more extensive possessions on the windward part of this Shore.

† G

We

We should be sorry, after the long and unhappy differences which have so long distracted this poor distressed colony, and which we flattered ourselves were nigh at an end, fresh matter of disgust should be introduced, which we would most gladly avoid on this and every other account.

Our sincere desire and wish, and in some respect hope, having been that of becoming reconciled and thoroughly UNITED, without which you are too well convinced what must be the effects. We have to request you will maturely consider what we have here pointed out, in its proper light; and, if what you then mentioned should still be your sentiments, you will, for the *welfare of yourself*, and this colony in general, alter and decline, and fall on a more laudable scheme or plan, in which you *may not only depend on the concurrence, but every assistance* in the power of them who submit themselves,

Sir, your most obedient servants,

James Lawrie, George Hewm,
Bartholomew Gilibert, John Bourke.

Black River,
Feb. 1. 1773.

Robert Hodgson, Esq.

No. LVII.

Capt. Hodgson's Answer to Capt. Lawrie, and three of the other Claimants of Albera Poyer.

GENTLEMEN,

I HAVE received your letter of February 1st. last, and am sorry I have only time for an hasty answer.

In consequence of its being my maxim, that it is generally better to come to the point at once, than wind about it, I have to remind you, that on the evening on which I met you all, I expressed publicly all my sentiments and intentions concerning your extraordinary purchase of Black River; at no other time have I expressed myself so strong. I believe I then went so far as to call the purchase *iniquitous*; but I do not remember using the word *illegal*; neither did I ever talk of representing it to
the

the governor of Jamaica, and more especially should not have done so in the *illusive* manner in which you state it; to wit, the illegality of your holding along with some gentlemen in England a tract of land in the River, purchased by you of the Mosquito king.

It was *the purchase itself* I canvassed; the subsequent sale of it to others I leave to yourselves to reconcile; I do not interfere in it.

The land in question is most notoriously known to be that from whence this settlement has, almost from its origin, drawn unremittedly the greatest part of its support, and could not indeed have subsisted without it. The chief inhabitants (meaning others much more than yourselves) have long used and possessed various tracts of this otherwise unoccupied wilderness, with the fullest confidence of not meeting with molestation therein, much less deprivation; and they and their dependants in a manner have drawn their daily bread from thence, little thinking that any set of men would or were indeed capable of attempting to clap their hands on the whole, unfurnished with any pretence, but that they thought it convenient to their private views.

I have also to observe, that this purchase, supposing there may have been some degree of regularity in the making it, is very obscure, from not being registered according to my notification as superintendant; and if it has been made since that notification, it of itself becomes invalid; but in any case whatever it must be seen and examined, before it can be pronounced otherwise.

But if it is, what I have reason to believe, an intended purchase of all that part of Black River, frequently called Poulyah River, from its junction with Seecah river upwards, as far as the *deserted Spanish gold-mine*, some time ago stumbled on by John Gladden, when a servant to the late Mr. Pitt, and Mr. George Hume, together with a very large district of country, extending from the banks of the said River; I must and do, as the superintendant, for the reasons in part recited, *highly disapprove* of the said purchase, or purchase-like attempt.

At the same time I have neither right nor power, that I know of, to prevent your working the golden mine; but as your endeavours so to do, however futile, cannot but be big with mischief to the country, I hope, that for the sake of so slender a prospect of advantage to your-

selves, you will not, by your indiscretion, subject the country to a general calamity, in which yourselves must unavoidably largely partake, but rather decline this unpromising scheme, and join with me in the more laudable one of promoting the present and future happiness of the settlement in general. I have expressed myself stronger on this head before your face, and was *not unseconded* by even yourselves.

I take leave to altogether doubt, that the Secretary of State for the colonies ever approved of your project, such as it, fairly stated, would appear to him. I even doubt whether he was pleased to deliver his sentiments in any wise clear of that ambiguity, which is almost necessary to pacify the intrusive importunity of the unknowing.

You disappoint me, and give me concern, in obliging me to think fit to notice to you the indecency of threatening me with the laws of my country. But as I am well satisfied you do not suppose I wish to act contrary to them, your threat rather conveys to me an intimation of an extravagant nature, which cannot but be strengthened by *your willingness to dispute his Majesty's right to the country.*

Do not, gentlemen, let us spend those words in altercation, which might be employed in business; therefore I beg you to be cautious, when you attack me about matters of fact. *My possessions are not near so extensive as your's.* Most of you know, that I have frequently offered to *relinquish any parts of mine to any persons who would make use of them*; and that they, so far from being in the use of those who could not well live without them, like your's, have not, in the memory of man, been used at all.

The unhappy differences of the settlement have chiefly affected yourselves. They have scarcely affected me otherwise than by preventing my fulfilling my earnest desire of doing what regulation can towards making the settlement happy, which indeed I think I should have done, in spite of all the opposition you could have shewn, had not the governor of Jamaica chosen to crimple me.

I will assent to our calling our differences by the name of disgust, or any other name whatever, so we but get rid of it; and if you will do it with becoming preparation, I will rest my character on your all declaring that
I wish

I wish well to the settlement, and know how to give my wishes effect. If these sentiments are the same on all sides, what a pity that our opposition is not treated rather as a laughable matter than an affliction (I mean for the future; for at present the consequences are too serious) and therefore I shall now only add, that when I come back to you, if the bread will not come to the oven, I will try hard to make the oven go to the bread.

With earnest wishes that (excepting this Poulyah affair, in which I have *already rejected a concern*) we may all set our hands to the plough together, I still, with true regard and sincerity, remain your and the settlement's friend, and am, with affection to all,

Your most obedient humble servant,

Jamaica, March 27, 1773.

ROB. HODGSON.

To Messrs. James Lawrie,
Bartholomew Gilibert,
George Hewm, and
John Bourke, &c.

No. LVIII.

Letter from Governor Dalling, in Answer to the Letter from Captain Lawrie, and others, in Behalf of the Mosquito Shore, most handsomely granting every Thing they asked.

Jamaica, the 19th of April, 1773.

Gentlemen,

I RECEIVED your letter by the hands of Captain Hodgson, your superintendant. I have read it with attention; I have considered the present situation of your settlement, and am ready to concur with him, and you, in remedying the present evils you complain of.

For that purpose, I will, *agreeably to your request*, issue a new commission of the peace, and nominate such persons as your superintendant shall recommend fit for, and who will do credit to, the appointment.

As there may arise, at this distance, some difficulty in knowing what court would be proper to be erected, adequate to your intentions and inclinations, I leave to the discretion and judgement of your superintendant a
matter,

matter, which, from the nature of it, will require the utmost care and attention. I do also much approve of your intending to elect annually twelve persons, to be as a council, for the several purposes mentioned in your letter; and have no doubt but the conduct of those who may be elected will be attended with that moderation and concern for the public welfare, as will merit my approbation and countenance.

I shall direct the military arrangements from the representations of your superintendant, *not only because you desire it, but because I have a full dependence on his candour, sincerity, and attention to the good of the settlement committed to his charge.*

As nothing can afford me higher satisfaction, than having an opportunity of rendering your situation easy and happy, I must, in a particular manner, recommend a due and proper subordination to the superintendant, and a hearty concurrence with each other, in every thing that may appear for the public good; and as I think it proper, for his Majesty's service, to support him in all lawful authority, so shall I always be ready to give attention to the just complaints of the people, and redress of their grievances; and should there arise at any time (which I hope there will not) any cause of complaint, I beg you will make me acquainted with it immediately, and not through any person or agent here.

I am, Gentlemen,

Your most obedient, and

Most humble servant,

JOHN DALLING.

James Lawrie,
John Pitt,
Philip Bode,

Thomas Marriot Perkins, Esqrs.
and Messrs. Lister, Dodgson, and
Bourke.

No.

No. LIX.

Letter from Governor Dalling to Captain Hodgson.

Jamaica, April 19, 1773.

SIR,

I HAVE considered the letter you delivered to me from the Mosquito Shore, the representations you made of its present situation, and of what you and the inhabitants would wish for the better establishing a mode of police.

I much approve of the idea of electing a council by the people, to assist you in all matters for the public good, and principally for the instituting such bye-laws as are necessary for good order and government.

The power of convening, and adjourning, or dissolving, to be in you : though I think it proper to settle, at the institution of such council, stated times of meeting for the public service. I also expect, that such bye-laws, as shall be determined upon by you and the council, be transmitted to the governor or commander in chief of Jamaica, for his approbation or disallowance, and that you should, upon a dissolution, send your reasons for so doing.

As I have thought it fit and expedient to appoint you chief magistrate, and custos-rotulorum, or keeper of the records, I expect you will see, that they are kept with that precision and authenticity as may give them a just weight and validity upon all occasions, and it will be particularly incumbent upon you to preserve the highest order and decorum in the court wherein you are meant to preside.

I can see no objection to your appropriating the sum of two hundred pounds, to erect a jail, out of the sum appointed for the contingencies of the Mosquito Shore ; and I think it will be right to receive such voluntary contributions as shall be offered to complete it.

I conceive that nothing can tend more to the advantage and ease of the settlement you superintend, than proper and just regulations for the trade between the white people and natives ; I recommend, therefore, to you, a communication with those more immediately concerned,

cerned, and desire you will make out, as soon as it is convenient, a set of rules, which are to be sent to the governor or commander in chief of Jamaica, subject to such alterations as he shall think proper.

I have the firmest reliance, that you and the persons whom the people may elect, as a council to co-operate with you for the general good, will unite in the strictest ties of union and harmony, to promote that great end. Disunion will injure the best and firmest establishments, but in the situation of your settlement it will entirely ruin and destroy it. My countenance and assistance will never be wanting to confirm your joint endeavours for the general good of the Shore.

I am, Sir, your most obedient,

and most humble servant,

JOHN DALLING.

Robert Hodgson, Esq.

No. LX.

Letter from Captain Hodgson to Mr. John Gallen, giving him a temporary Power to secure a dead Man's Effects from Destruction.

Mosquito Shore, May 11th 1773.

SIR,

I HAVE received your letter, dated May 16th 1773, wherein you mention having powers of attorney from the two chief creditors of the late Israel Boardman, and that there are sundry of their and other effects left by him in this country, where there is neither *heir, executor, nor administrator* to look after them; on which account you desire me to furnish you with authority to take the said effects *into your possession*, you offering *security* for your faithful discharge of such a trust.

In consequence of which I must require you to make affidavit, and to enter into a bond to the King of two hundred and fifty pounds sterling for your faithful behaviour accordingly; which, when done, this letter shall authorise you to act *as if you were administrator* to the said Israel Boardman's estate here (*until it shall be directed otherwise*)

wise), you at all times taking especial care to record every transaction relative thereto.

I am, Sir, &c.

ROBERT HODGSON.

Mr. John Gallen.

No. LXI.

Letter from Captain Lawrie, and ten others of the elected Council, to Captain Hodgson.

S I R,

June 21st, 1773.

WE the members of the council of the people duly *elected* by them, for the purpose of making bye-laws for the good order and government of the Mosquito Shore, and to form a court of appeal, *agreeable to the approbation thereof from his honour Lieutenant Governor Dalling, in his letter of last April the 19th*, directed to seven gentlemen at this place ;—having this day met, and requested your qualifying us to act accordingly, but then meeting with your denial, we now request to know whether you will qualify us (to-morrow morning at ten o'clock), as that is our repeated desire.

We are, Sir,

With all due respect,

Your most humble servants,

John Bourke,

George Hewm,

J. Lawrie,

Thomas Marriot Perkins,

John Orrett,

John Pitt,

Bryan M^cDaniel,

B. Gilibert.

John Dill,

David Hume,

William Reid.

P. S. We wait the favour of your answer.

To Robert Hodgson, Esq.

Black River,

June 21, 1773.

Captain Hodgson's Answer to the Council elect.

To John Bourke, George Hewm, James Lawrie,
Thomas Marriot Perkins, and John Pitt, Esqs.
and Messrs John Orrett, Bryan M^d Daniel, B.
Gilibert, John Dill, David Hume, and William
Reid.

Gentlemen,

THE respect I am desirous of shewing to so many of the principal inhabitants of this settlement as have signed the letter of this date to me, (which I have just received), induces me to pay full attention to it.

But I have again to repeat to you, that for your own good, I will not do any thing without first taking such time for consideration as I am confident ought to be allowed me, and I should be blameable for not expecting.

You this day suddenly desired my presence, very unexpectedly to me, but yet, though totally unknowing of the occasion, and therefore unprepared, I came to you. There was then shewed to me a patched-up oath, which I was wanted immediately to administer to you. I declined doing so till I had considered it.—You all well know I declared, that I put it off for no other reason; and in my opinion the decorum and precision, necessary to be observed at all meetings of such consequence, might have prevented you from calling this my prudent delay by the name of a denial, which it was not.

I must have more time to settle the sort of oath that will suit your opinions, and my duty, than you seem willing to allow me; and if there should be any particular form you are fond of, I should be very glad you would favour me in time with a view of it.

In the mean time you cannot doubt of the satisfaction I shall receive at seeing any of you here preparatory to another meeting, which I could wish to be on Friday morning next. I am, Gentlemen,

Mosquito Shore,
Black River,
Monday Night,
June 21, 1773.

With truth and regard,
Your most obedient humble servant,
ROBERT HODGSON.

You must allow me to take more time in future for answering letters of such consequence.

No,

No. LXIII.

Letter from the Council elect, in reply to Captain Hodgson.

S I R,

June 22, 1773.

WE acquiesce in giving you the satisfaction you desire, of meeting you next Friday morning, at nine of the clock in the forenoon, at Mr. M^cDaniel's.

But in regard of any oath formed to our opinion, none can be more so than that drawn up yesterday, therefore can favour you with no other form we judge more proper.

We are, with all due deference and respect,

Sir, your most humble servants,

John Bourke,	Bryan M ^c Daniel,
George Hewm,	Bart. Gilibert,
J. Lawrie,	John Dill,
Thomas Marriot Perkins,	David Hume,
John Pitt,	William Reid,
John Orrett,	

Black River,

June 22, 1773.

To Robert Hodgson, Esq.

No. LXIV.

Form of an Oath sent to Captain Hodgson by the Council elect, on July 1st or 3^d, 1773.

Black River, } ff.
Mosquito Shore, }

WHEREAS sundry of the principal inhabitants of the Mosquito Shore did, in January last, send a letter to his honour Lieutenant Governor Dalling, of Jamaica, requesting that his honour would be pleased to authorize, or otherwise allow them, or countenance them in electing from among themselves twelve persons, whereof to form a council for the purpose of making bye-laws (agreeable to the laws of England) for the peace, policy, and good order of the settlement, and for deciding in a sum-

mary way (agreeable to the said laws of England) all cases that may be immediately brought before them by consent of parties, or upon appeal from the quarter sessions: and whereas his honour Lieutenant-governor Dalling did, by his letter of the nineteenth of last April, in answer to the aforesaid letter, declare, that he did much approve of their intending to elect twelve persons to be as a council for the several purposes mentioned in the said letter:

Now we, John Burke, George Hewm, James Lawrie, Thomas Marriott Perkins, John Pitt, John Orrett, Bryan M'Daniel, Bartholomew Gilbert, John Dill, David Hume, and William Reid, being eleven of the twelve men who were, on the twelfth day of last month duly chosen and elected by the people for the purpose aforesaid; *And whereas it is directly contrary to the principles of the British constitution, for British subjects in any settlement to be there bound by laws made by an assembly in any other settlement or colony, when the said subjects so bound, or attempted to be bound, have no legal representative of their own electing in the assembly of such other settlement or colony where the said laws are made,* We, the aforesaid eleven men, duly chosen and elected as aforesaid, do say that *we conceive our duty in our legislative capacity to be more full and extensive than that of any council we are acquainted with, it not only appearing to us to be our duty to give true, faithful, and secret counsel to our sovereign lord the King, and in cases, public and otherwise, to act in the most faithful, unbiassed manner our wit, cunning, and true honest meaning will allow us to do.* But we also conceive, that we are fully endowed (by the people) with all the powers and privileges of making bye-laws for the good order and government of the Mosquito Shore; and that in this double capacity it is our behoven duty to act as conformably to the British constitution of government as our knowledge and rectitude of mind and our present want of an establishment of that form of government by our Sovereign's authority will permit and dictate to us, until the expiration of the time for which we have been elected, unless our most gracious Sovereign shall before that time give other orders which shall come to our knowledge; and in which latter case, we do hereby actually engage ourselves to submit to such orders when made known unto us,

us, we professing ourselves to be lawful subjects unto his most sacred Majesty George the Third, by the Grace of God of Great Britain, France, and Ireland, King, defender of the faith, and so forth; and farther, as we conceive we are invested with a judiciary power more similar to the High Court of Chancery, than to any other that we know of, we do declare, that in all judicial matters brought before us, we ought each one for himself to do equal right and justice to the poor and to the rich after our respective wit, cunning, and power, and after the laws and customs of the realm and statutes thereof made, and that we ought not to be of counsel of any quarrels or cause hanging before us; also that we ought not to let for gift or other cause, but well, and truly, and faithfully, each one for himself, do the office of a trusty and upright judge and member of the aforesaid council of the people during the time aforesaid, and ought not to receive any thing for what shall be respectively done accordingly. And we, filled with a due sense of the high and important trust (*by the people*) committed to us of forming the first system of government in manner aforesaid, for the peace, policy, and good order of this valuable and extensive country, (*as yet without any governor or council appointed by his Majesty,*) do pray Almighty God, that he would be pleased to confer wisdom on our councils, and success on our endeavours, and that the result be happiness to the people and a grateful remembrance of us by posterity. And we do now solemnly swear, each one for himself, on the Holy Evangelists of Almighty God, to act and conduct ourselves while of the council of the people as aforesaid, conformably to all these our deliberate and foregoing recited sentiments; and may God so help us respectively as we abide by them for the time herein specified.

In witness whereof we have hereunto set and affixed each one his hand and seal, at Black River, on the Mosquito Shore, this day of July, in the thirteenth year of the reign of his Majesty George the Third, by the Grace of God of Great Britain, France, and Ireland, King, defender of the faith, and so forth, and in the year of our Lord God one thousand seven hundred and seventy-three.

No.

No. LXV.

Letter from six of the Council elect about the Oath that Body had proposed. — (They afterwards proclaimed that they had sworn each other in among themselves by that Oath).

S I R,

ON the first of this month *eleven* of the council elected by the people sent you, by Mr. Philip John Morris, an oath which *they* thought proper to be taken by them, and at the same time instructed him to request your opinion thereon, and to know whether you would administer the same unto the said council, of which we are a part ; and not having yet received any direct answer from you, we do now (for ourselves, and in behalf of the other members of the said council of the people,) repeat our former request, that you would qualify us for the oath delivered to you by Mr. Morris as aforesaid.

We shall esteem your answer (in writing) by the bearer as a favour done to,

Sir, your most humble servants,

John Bourke,	John Orrett,
George Hewm,	David Hume,
Thomas Marriot Perkins,	William Reid.

Black River,
July 16th, 1773.
To Robert Hodgson, Esq.

No. LXVI.

Answer of Captain Hodgson to the Letter from six Members of the Council elect.

GENTLEMEN,

WHEN I received by the hand of Mr. Morris the form of a test, you mention, I desired him to acquaint you, that I wished you would write to me authenticating what it was.

I did not mean by that to impeach Mr. Morris's memory ; but I dare say there are none of us, but have, even in our

our private affairs, met with very disagreeable mistakes by a verbal way of doing business.

I have your letter of yesterday now before me. As your number is but six, I apprehend you are not sufficient voice to require an alteration in the test I had the satisfaction of hearing you all agreed upon, provided I would wave the power of dissolution till the governor of Jamaica was farther consulted; neither can you with any propriety move in behalf of the absent member.

I cannot but say that, without entering into political objections, I think your paper exceptionable on your own accounts. You have in all your writing been fond of calling yourselves *duly elected* and a council *of the people*. Pray can all of *swear* you were duly elected?—I believe you must leave that to Mr. Morris. Is it not sufficient that you were elected, and no one means to object it; but as all oaths ought to be clear and well understood, pray what is a *Council of the People*? It would also be much safer for our own consciences, if matters of so very controvertible a nature, as laws made in one part of the world not being binding in another, was not introduced as a *Sentiment*—*You mean to swear to abide by*; more especially, as I believe several of you conceive the laws of Jamaica to be of virtue in this country. I may indeed be mistaken in this meaning of the paragraph beginning with “Whereas it is directly contrary,” for I must confess both that as well as some other paragraphs are so worded as not to convey clear sense to me.—I hope they are not meant to make mischief on all sides.

As you desired my opinion on this head, I have now given it you, all but saying, that the whole tenor of it is such, that it seems to me that the moment I swear you by it *into* business, I swear myself *out*, which you know I must not do.—Therefore it only remains for me to return you the paper, according to the late message to me by Mr. Morris; and to assure you, that with the warmest wishes for the welfare of this country, and that the liberty and property of the inhabitants thereof may be established on true constitutional principles,

I am,

with truth and regard,
Gentlemen, &c.

ROBERT HODGSON.

I wish

I wish Mr. Morris had intimated to me at first, that the paper was to be returned ; because I would not then have wrote on the back of it.

To Messrs. John Bourke, George Hewm, Thomas Marriot Perkins, John Orrett, David Hume, and William Reid.

No. LXVII.

Extract of a Letter from Captain Hodgson to the Earl of Dartmouth, dated November 9th 1773, giving an Account of the second Revolt on the Mosquito Shore.

THE white people of this settlement have revolted from government, an event not unlikely to have happened, though too dependent on humour and accident for the time to have been readily foreseen. But it is now at an height, that requires immediate cure, rather than an investigation of how it happened.

They attempted, and in a manner compassed the same thing, in June 1771 ; but a sharp rebuke from the late governor of Jamaica, (enclosure No. 1.), broke their combination, and they have ever since, till lately, been as a rope of sand. My last letters to Lord Hillsborough and governor Sir William Trelawny convey a full and just idea of the most disorderly state the latter left the settlement in at the end of last year. Therefore I inclose duplicates of them, (No. 2. and 3.)

However, things, being then nearly at the worst, took a turn, and the people addressed themselves to the lieutenant-governor of Jamaica in a handsome explicit manner, desiring his support towards establishing a suitable mode of police among them (No. 4. and a.) His honour shewed every attention and good will to their interests in a manner equally gracious and encouraging, granted all they asked (No. 5.), and at the same time did me honour in the eyes of the settlement.

But in the mean time the harmony, that appeared in it, was injured by some ill-affected persons reviving a matter of discussion between some of the people and me, about an extraordinary purchase of land they had made. I inclose their letter to me on the occasion, and my answer, which

which is a sort of comment thereon, as they together (No. 7. and 8. *) shew a fair specimen of their general temper here.

On my return to them, I waved the matter, and gave my full attention to the re-establishing the courts of quarter-sessions, and to forming a council of twelve, to be chosen from among all the inhabitants, to co-operate with me for the regulation of the settlement, and for other matters, wherein the said courts were not thought competent, that being the general purport of their request to the lieutenant-governor, and of his good intentions to them.

I made a fair progress towards success, till a severe fall prevented me from personally attending their motions, and they immediately went wrong.

It seems to me, that the ill-affected to government embraced this opportunity, and exerted all their influence to turn the already agitated and expecting minds of the multitude their own way. They full well knew the weakness of government here, yet they failed not to paint it to them in all the terrors of tyranny, and to hang out the allurements of natural liberty to the vicious and ignorant, till at length, by a series of cunning, rudeness, and every other means they could use, they got a majority to declare themselves of opinion, that as all the power was in their own hands, they ought not to let it go; they presently overbore the rest, and then a junto of eight of those elected to be of the council swore themselves into office by an highly improper oath, and soon afterwards clinched the whole by breaking up the quarter-sessions, throwing off subordination to the laws of Jamaica, and denying all authority here to the governor, and by the fairest implications, all other authority over them whatever, electing and swearing in magistrates of their own, proceeding to judicial and arbitrary decisions, and even sapping the duty of the Indians.

At present they are labouring to give system to their new erected state, not without hopes of thereby alluring *foreign strength* to it.

All this while I could only be a spectator, and look on with grief and admiration at their folly and madness. With regard to myself personally, they have hitherto kept

* No. 56. and 57. in this Appendix.

within tolerable bounds, but how long they may continue to shew me respect is very precarious.

The dispatches and papers that I have lately sent to the lieutenant-governor of Jamaica, are a chain of illustration to this representation, therefore I inclose duplicates and copies of them (No. 9. to No. 20.)

LXVIII.

The King's Proclamation for dissolving the Council of the Mosquito Shore, and forbidding any other.

Jamaica, ff.

BY THE KING,
A P R O C L A M A T I O N.

WHEREAS we have thought fit, by the advice of the council of our island of Jamaica, to dissolve the council elected at Black River on the Mosquito Shore, the twelfth day of June, in the thirteenth year of our reign, we do for that end publish our royal proclamation, and do hereby dissolve the said council accordingly ; and we do hereby forbid our loving subjects on the Mosquito Shore to act in the council aforesaid, or to elect any person or persons to serve in any other council of the Mosquito Shore, until our farther will and pleasure be declared in the premises, as they will answer the contrary at their peril.

Witness his honour John Dalling, esquire, our lieutenant-governor and commander in chief in and over our island of Jamaica, and the other territories thereon depending in America, chancellor and vice-admiral of the same, at Saint Jago de la Vega, the twenty-third day of November, in the fourteenth year of our reign, annoq. Domini one thousand seven hundred and seventy-three.

(Signed) JOHN DALLING.

By his honour's command,
R. LEWING, secretary.

GOD SAVE THE KING.

(Place of the
great seal.)

No.

No. LXIX.

Affidavit of Mr. Bartholomew Gilibert, one of the Council elect, to support the Accusatory Memorial of November 11, 1773. This is the only one of the Proofs referred to by the Revolters, that Captain Hodgson can arrive at a Sight or any proper Knowledge of.

“ Memorandum.

London, June 26, 1775.

“ THE preceding Memorial and State of Facts having been laid before the right honourable the Earl of Dartmouth, on the 11th November, 1773. And Mr. Gilibert, from that time until his departure from London to the Mosquito Shore, about the 10th of January, 1774, having had no opportunity of waiting upon his lordship to bear testimony to the said Memorial and State of Facts, did, on the 8th of said January, 1774, make affidavit before Justice Wright of Westminster, as follows, viz.

“ Middlesex. } Bartholomew Gilibert, Esq. one of the principal settlers and inhabitants of the Mosquito Shore in America, maketh oath and sayeth, That the several matters contained in the preceding Memorial, consisting of seven pages of paper, addressed to the right honourable the Earl of Dartmouth, in name of his Majesty's subjects the principal inhabitants of the Mosquito Shore in America, for themselves, and on behalf of his Majesty's colony established there, and which are more fully set forth in the preceding State of Facts annexed to said Memorial, consisting of twenty one pages of paper, are of universal and public notoriety on the said Mosquito Shore, and *are consistent with the knowledge and belief of this deponent.* And that the persons mentioned at the bottom of the said Memorial, for and in behalf of whom Robert White, Esq. of Fenchurch Buildings, London, has signed the said Memorial, are the principal inhabitants of the said Shore, who did, consistent with the knowledge of this deponent, authorize the said Mr. White to sign for them as aforesaid. And farther this deponent sayeth, that the several papers from which the State of Facts are made up, in number *from one to twelve, are copies of original papers brought over from the Mosquito Shore*

† I 2

by

by him this deponent, and delivered by him in name of the said principal inhabitants and colony to the said Mr. White, on his the said deponent's arrival in London, on or about the twenty seventh of September last, for the special purpose of making therefrom the aforesaid Memorial and State of Facts, to the delivery of which papers, on the said 27th of September, he hath respectively set his name; and *that number four being the copy of a Spanish letter from Don Joseph de Nava, the Spanish governor of Carthago, to Admiral Dillson, commander of the Mosquito Indian vessels, is a true and exact copy of the original.* In testimony of which he has signed his name thereto, and that the *English translation* thereof, No. 4, is a true translation, to which he hath also set his name, and that all the *matters relative to said letter, as set forth in the said Memorial and State of Facts, are strictly true, and consistent with this deponent's knowledge.* And farther this deponent sayeth, that at the time of his departure from the Mosquito Shore, the settlement there was in the situation mentioned in the 21st page of the foregoing State of Facts; and that he himself received commissions from many of the most respectable settlers and inhabitants on the said Shore, to purchase lands for them in North America, *in order that they might remove from the said Shore, and settle themselves and families on the said lands to be purchased in North America, in case this Deponent received no hopes of the colony's being relieved from the grievances and oppressions they now suffer under his Majesty's said superintendant, by having him recalled.* And farther this Deponent sayeth not.

BARTHOLOMEW GILIBERT,

Sworn before me,
Jan. 8th, 1774,

G. WRIGHT.

No. LXX.

Receipt from the Governor of Jamaica's Secretary pro Tempore, for the Qualifications of all the Magistrates but one, nominated in the Commission of the Peace for the Mosquito Shore, issued by Governor Dalling in 1773.

Governor of Jamaica's Office,
in Spanish Town.

THIS is to acknowledge, that I have this day received into this office seven papers of the oaths of qualification, they being the qualifications of *all* the justices nominated in the grand commission issued by Lt. Governor Dalling for the Mosquito Shore, *John Pitt, Esq; excepted.*

July 12th, 1774.

JOHN CLEMENT.

No. LXXI.

Letters of Correspondence between Captain Hodgson and Captain Lawrie, concerning the Paper called the State of Facts.

Mosquito Shore, King's House,
Nov. 9th, 1774.

SIR,

I SUPPOSE you cannot but allow it to be incontrovertible, that whoever is accused ought to be informed of what.

A paper, in accusation against me, called a State of Facts, was delivered by a Mr. White to Lord Dartmouth on November 11th last, in your name, as well as in that of others.

I should be glad of a copy of that paper, that I may more maturely consider my justification or my errors, and therefore I now ask it of you.

You are more bound to let me have it, because I must appear to you ignorant of every thing that is in it; for neither you or the other signers to the substance of it have ever acquainted

acquainted me with any stated grievances you had to lay to my charge.

I am, Sir, &c.

ROBERT HODGSON.

James Lawrie, Esq.

SIR,

I JUST now received your's, and have to acquaint you, that I do not recollect signing any paper to lord Dartmouth, neither is any such paper in my possession, otherwise should have sent it to you most readily.

Mosquito Shore,
November 9th, 1774.

I am, Sir, &c.

JAMES LAWRIE.

To Robert Hodgson, Esq.

King's House, November 9th, 1744.

SIR,

I WROTE to you because your name was the *first* that appeared; I cannot well suppose you mean to convey a different idea of your fixing your sign manual yourself, or of your authorizing Mr. White to write your name for you: if it is so, I shall content myself with my own remarks upon it.

I am, Sir, &c.

ROBERT HODGSON.

James Lawrie, Esq.

SIR,

November 10th, 1774.

Mr. WHITE's memorial to lord Dartmouth, to which you allude, is founded on facts properly attested, and transmitted to Mr. White, agent for this country *at the court of Great Britain*. As to signing my name to any memorial presented to Lord Dartmouth, I have only to say, that the memorial you allude to, was presented by our agent in the name of every gentleman who signed the power of agency, and as to signing first or last it seems to me of very little consequence.

A recapitulation of grievances (which are many,) would at present be too tedious to enter upon. Be-
sides,

fides, as this is a public affair, I cannot but look on a particular application to me as improper; I make no doubt but *the council of the people* of this colony, if applied to, will fully inform you of the nature of all the complaints alleged against you, as copies of these papers necessary for that purpose, are lodged with them,

I am, Sir, &c.

JAMES LAWRIE.

To Robert Hodgson, Esq.

Black River, November 10th, 1774.

SIR,

YOU think my applying to you improper; indeed, from your's of yesterday, I flattered myself that in reality it might be so.

But I have now to state to you the propriety of my considering *the first signer* of a number no wise incorporated, but rather diffused as *a leading and active member* of that number.

You refer me to the council of the people of this colony; a colony that deposes its own *agent to the court of Great Britain*. What am I to make of all this? If you mean to let me know what you have said against me; let me know, and do not refer me to make my application to where *you know I cannot apply*.

I am, Sir, &c.

ROBERT HODGSON.

James Lawrie, Esq.

To this Captain Lawrie answered on December 8th following, that he did not want opportunity or cause to complain; that as no man knew better than myself what I ought to have done in the character I was in, I should examine myself, and *enquire no farther*: and told me, *if I could find out* any paper of his signing, I might do as I would with it.

No. LXXII.

Letter from the Earl of Dartmouth, calling Capt. Hodgson home on Duty. This letter was inclosed in No. 73, illustrating it.

Whitehall, 2d August, 1775.

SIR,

HAVING laid before the King a state of his Majesty's affairs upon the Mosquito Shore, and also the complaints exhibited against you, with your answer thereto; I am commanded to signify to you his Majesty's pleasure, that you do immediately return to England, in order to lay before his Majesty such information of the state and condition of the settlement on that Shore, and of the several matters to which the complaints against you refer, as may enable his Majesty to take such steps and make such arrangements in regard thereto as shall be judged necessary.

I am, Sir,

Your most obedient humble servant,

Robert Hodgson, Esq. (Signed) DARTMOUTH.

No. LXXIII.

The King's Proclamation against the usurped Government on the Mosquito Shore (arrived there at the same Time with the Letter calling Captain Hodgson home on Duty).

Jamaica, ff.

BY THE KING,
A P R O C L A M A T I O N.

WHEREAS many of our subjects at Black River, on the Mosquito Shore, misled by ill-designing people, and forgetting the allegiance which they owe to us, have lately presumed to form and establish a constitution of civil government among themselves, and to elect officers and magistrates for the administration of the same, without any powers or authority derived from us for that purpose;

purpose; which proceedings are against our peace, crown, and dignity: and whereas many of our said subjects, through an ungoverned and insatiable desire of lawless gain, have made slaves of several native Indians of the said Shore, or the parts adjacent, and shipped them off for sale, in violation of the common feelings and rights of humanity, and also of the obvious principles of sound policy: to the end, therefore, that none of our subjects may, for the future, violate their duty in the particulars above recited, we have thought fit to issue this our royal proclamation, hereby declaring our just displeasure at such insults offered to our authority, and that all such proceedings are acts of usurpation against our royal prerogative, and against the personal rights of the said native Indians; and hereby strictly forbidding all our loyal subjects, on the said Mosquito Shore, to offend in the like instances, under the pains and penalties that will fall thereon.

Witness, his Excellency Sir Basil Keith, knight, captain-general and governor in chief of our said island of Jamaica, and other the territories thereon depending in America, chancellor and vice-admiral of the same, at Saint Jago de la Vega, the twenty-ninth day of December, in the sixteenth year of our reign, [anno Domini one thousand seven hundred and seventy-five.

BASIL KEITH.

By his Excellency's
command,
Richard Lewing, sec.

(Great
Seal)

God save the King.

No. LXXIV.

Letter from Sir Basil Keith to Capt. Hodgson, inclosing the Orders from the Earl of Dartmouth for Capt. Hodgson to return home on Duty.

Jamaica, 29th December, 1775.

SIR,

I TAKE the first opportunity of transmitting you the Earl of Dartmouth's Letter of the 2d of August, which will be delivered to you by Mr. Fergusson, the gentleman I have appointed agreeable to his Majesty's pleasure,

† K

signified

signified to me by his lordship's letter of the same date, to superintend the settlement upon the Mosquito Shore, during your absence, or until his Majesty's farther pleasure be known.

I will be obliged to you for any information you give Mr. Fergusson relative to the superintendancy, and shall be extremely grateful for every kindness and civility you shew him, as he is a person in whose welfare I am much interested.

He will, I am sure, be happy to be of use or service to you in your absence. Your last dispatch to the Secretary of State shall be forwarded by the next packet. It came to my hands two days after the last one failed.

In your letter to Lord Dartmouth you seem anxiously to wish to have leave to make a voyage to England, I hope it will be a pleasant one, and productive of the best consequences to you.

I am, Sir,

Your most obedient humble servant,

BASIL KEITH.

Robert Hodgson, Esq.

No. LXXV.

Letter from John Pitt, Esq. to Captain Hodgson, concerning his Name being Signed to the Complaints against Captain Hodgson.

SIR,

I DO assure you, on my honour, that if to either a petition or state of facts, delivered to lord Dartmouth on November 11, 1773 by Mr. Robert White, there is the same name as mine subscribed, *it is without my knowledge;* and if it is meant to mean me, I hereby deny such meaning.

I am, Sir,

Your most obedient servant,

(Signed) JOHN PITT.

Black River,
Jan. 29, 1776.

Robert Hodgson, Esq.

No.

[To face p. 74, Appendix.]

Table of Captain Hodgson's Voyages on the Public Service, whilst he

In what Year mostly.	Intention and Consequence.	Actual Time of Embarking, and in what Vessel, &c.	Actual Time of Return.
1768	To take a complete view of the country and the neighbouring Spanish coast, to speak to all the inhabitants, to quiet every thing, and to prepare the whole for a system of peace, policy, and good order.—Succeeded.	October 8. Sloop True-blue, of 20 tons.	January 8, 1769. In the sloop 80 leagues off, be able to get back.
1769	To Jamaica, and nearly round it, in order to consult about the Mosquito Shore with Governor Sir William Trelawny.	March 18. Adventure ship of war.	July 1. Schooner <i>Mosquito</i> to represent to Sir W. Trelawny the Mosquito presents.
1770	A complete coasting voyage to every part of the country, undertaken to prevent the mischief that might arise from the governor of Carthago's intercourse with the Mosquito Indians.—Very successful.	Dec. 15, 1769. Schooner <i>Betsy</i> , of 10 tons, changed her in February for the Mosquito of 8 tons, and soon afterwards her bottom gave way and she was wrecked.	May 23. The Mosquito could not keep her above water, she was wrecked, and got into a manned periagua.
1771	To Jamaica,—with hopes of settling some plan of utility for the Mosquito Shore with Sir William Trelawny, and in order to describe to him the very pernicious use, which had been made of the powers he had furnished other people with there, &c.	Dec. 23, 1770. A schooner, which had been taken by the Mosquito Indians from the Spaniards, a certificate of which I delivered to Sir William Trelawny, desiring him to restore her as I could not for want of another vessel to bring back those who carried her.	March 13. The Spaniards not choosing to meddle with the Mosquito shore, she was publicly sold, and the damages about her were paid.
1772	A coasting voyage along most of the Mosquito Shore to quiet the Indians, and to distribute amongst them part of his Majesty's presents which remained of last year.—Successful.	February 3. Schooner <i>Our Bett</i> , of 45 tons. This vessel, as well as myself, had been ready several weeks; but she had been blown about so much before all the things could possibly be got on board, as to be nearly a wreck.	February 24. In the morning she was blown back; then got out of her, and the schooner was wrecked.
	A coasting voyage along all the Mosquito Shore, in order to prevent many mischiefs, which threatened.—Very successful.	August 20. Garland ship of war, till September 3, when I embarked in the schooner <i>Nautilus</i> , of 7 tons.	November 7. Walked on the schooner <i>Nautilus</i> , and the Mosquito rivers.
1773	To Jamaica.—Governor Sir William Trelawny being dead, and the people of the Mosquito Shore immediately aiming at a coalition with me, I determined to wait on the lieutenant-governor, to consult with him on the welfare of that distracted country.—I met with every thing favourable from him.	January 30. Brig, <i>Askagain</i> , 120 tons.	May 7. Brigantine <i>Askagain</i> .
1774	A voyage to view the western boundaries of the Mosquito Shore, and the Spanish Coast, and to be absent from Black River during the sitting of a court of judicature there by the revolvers.	March 14. Schooner <i>Nautilus</i> , of 7 tons.	March 26. Schooner <i>Nautilus</i> .
	A voyage along all the Mosquito Shore, and much of the Spanish Coast, to heal and prevent great violences between the Indians and the Spaniards; and then to Jamaica to consult with the new governor, Sir Basil Keith, on the disordered state of the Mosquito Shore; and from thence along the coast of it again to confirm the Indians in their good dispositions.—Very successful on the Shore.	April 3. Brig <i>Askagain</i> .	September 29. Brigantine <i>Askagain</i> .
1775	A voyage along the Mosquito Shore and the Spanish Coast, to endeavour to preserve the Indians at least from rebellion, and so on to Jamaica, in hopes my friend the governor might by this time be instructed about the country and me.—Successful on the Mosquito Shore.	May 29. Brig <i>Pitt</i> .	October 19. Landed on the sloop <i>Chester</i> , just as she was blown about near two miles from all the Indian presents.
	A coasting voyage to look for the remains of the sloop <i>Chester</i> , (supposed to be lost with all the presents and my papers on board) and to distribute any that might be saved to the Indians.	November 7. A periagua, or very large canoe.	December 12. In the morning the presents were delivered, and the Indians were gratified.
1776	A voyage along the western coast of the Mosquito Shore and some of the Spanish country, partly to survey it, and also to avoid the power of a court of judicature I did not acknowledge.	April 1. A four-oared canoe.	April 11. A four-oared canoe.
	A coasting voyage on the grounds of the former, and to see what accident at Banaca detained the sloop, in which I was to go to England.	July 1. Schooner <i>Nautilus</i> , of 7 tons.	July 8. Sloop <i>Ariadne</i> to England in.
	To which may be added a voyage to England, in obedience to the King's orders.	July 25. Sloop <i>Ariadne</i> , of 90 tons, sprung a leak directly, after near two months hard labour on a sandy islet got her in order and set out again.	June 4, 1777. Reached the first opportunity of procuring a Family-Trader, on board of which family, left them expecting me.

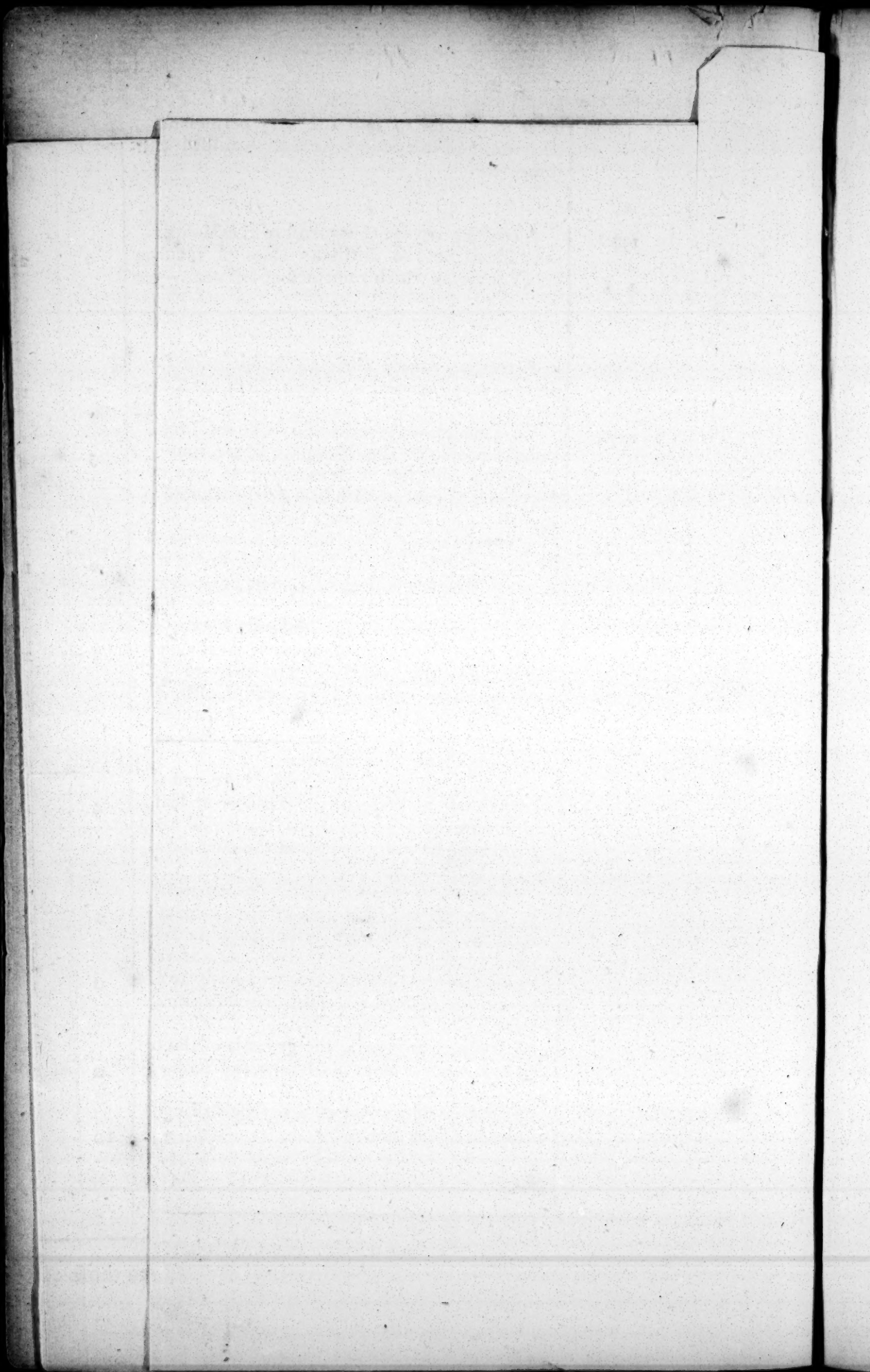
On the whole, from October 1768, to June 1777, I went 14 Voyages, which employed 22 Vessels; and from

Country, and insinuated that he had resided wholly at Black River, the principal Settlement, from the first to the last
 Arrangement of his several Voyages and Expeditions during that Time.

left he was Superintendant of the Mosquito Shore.

Return, and in what Manner; Casualties, &c.	Whole Time in Mo. and Days.		Vouchers.
69. In a small four-oared canoe, having left off, it being supposed that she would not k.	3	2	Public letters, and vouched contingent charge al- lowed and paid by Sir William Trelawny.
er Mosquito, of 8 tons, so leaky as to oblige Sir William Trelawny the necessity of send- presents by another vessel.	3	14	Public letters, vouched contingent part allowed and paid by Sir William Trelawny, representation to him, and the schooner's protest.
Mosquito's bottom failed so much, that we er above water, therefore stranded her, where and got back (about 100 leagues) in an ill-	5	7	Great number of public letters, papers, and affi- davits, journals sent home and delivered to Sir William Trelawny, who allowed and paid the vouched contin- gent charge.
e Spanish schooner, Sir William Trelawny needle with her.—When she returned to the lickly fold to fix the extent of any future li- bout her.	2	19	Public papers, certificates, journals, attestations and letters.
In the schooner Our Bett, most of the way ut of her and walked about 30 miles, the next was wrecked.	0	22	Public letters, protest, diary, and vouched con- tingent charges allowed and paid by Sir William Tre- lawny.
Walked back about 20 miles, after stranding utilus, of 7 tons, on the bar of one of the	2	19	Public letters, diary, and vouched contingent charge allowed and paid by the governor of Jamaica.
atine Askagain, of 120 tons.	3	9	Public letters, and vouched contingent charge al- lowed and paid by the governor of Jamaica.
hoooner Nautilus, of 7 tons.	0	12	
. Brigantine Askagain.	5	27	Various public letters, diary, vouched contingent charge allowed and paid by the governor of Jamaica.
Landed in the surf and walked home, from the ust as a storm came on, which stranded and near two months and half, before I could get resents and my papers out of her.	4	22	Public letters, and vouched contingent charge al- lowed and paid by the governor of Jamaica.
. In the same periagua, having assisted in fav- while the sloop was stranded, and after hav- e Indians by the distribution of most of them.	1	10	Public letters, and attested contingent charge.
four-oared canoe.	0	11	
p Ariadne, which I met at sea and was to go	0	7	Public letters, and A. Blair, Esq.
7. Reached Bermuda sinking, there took the y of proceeding to England, by buying the sloop , on board which there was no room for my em exposed to famine, and got to London this	10	11	Public letters, journals, protests, affidavits, &c. all which shew that not a day was lost from the time of my receiving the orders.

and from the actual Days of Embarkation to those of Return, 44 Months and 18 Days.



No. LXXVII.

Letter from Capt. Hodgson to Lord George Germaine, when he (Capt. Hodgson) on his Return to England was first informed at the Office of his Dismission.

MY LORD,

AFTER my receiving the King's orders to return home, I unremittedly endeavoured to do so, but at last was obliged to make an opportunity by taking a new sloop that had been destined for a very different purpose. I wrote your lordship from Bermuda some account of my delay, and added, that could I presume to mix foreign motive with the duty of my obedience, I could truly say that my inclination, my interest, and what was due to my honour had, from the first, all urged me in the direct line of the occasion of my being called home.

In the course of prosecuting my voyage I was near two months feeding with difficulty my little children on a small sandy island, and afterwards was myself necessary in pumping the water from the vessel to preserve them; but at last was forced to go into Bermuda, or else perish at sea. The proper protest on this occasion (now with me) was made on oath before the governor of that island, where the vessel was condemned; and in consequence I was obliged to stay there, with the delay distressing my mind, and labouring under a multiplicity of inconveniences, above six months, the whole time watching to embrace or create any means I could of getting home. At length I bought the first, but the vessel was so ill-suited for my family to embark in, that it was more eligible to leave them to the chance of the gloomy prospect of famine that hangs over that island; so taking a melancholy leave of Mrs. Hodgson and our four children, who had from the first nobly acquiesced in my duty, and had never been a moment's interruption to it; I set out, and did not stop till I reached the door of your lordship's office, in the afternoon of the 4th instant, and then first learned my fate.

I was supported in this affecting voyage by thinking I was on duty, which had I been, I should not have troubled your lordship with this account of it; but I now

find that I was all the time a dismissed wanderer; dismissed while I was holding my own private feelings as nothing, that I might obey the King, and after between twenty and thirty years faithful and useful service.

What adds peculiar mortification to my dismissal, is, that had a judgement of me been deferred till I could have been heard, I am convinced I should have thrown ten-fold shame on my adversaries; for I have now seen their papers, and cannot forbear calling them wicked. I have seen that they had the intemperance to pray, in the name of the principal inhabitants, for my dismissal, on the 30th of January, 1776, on the idea of my not having obeyed the king's orders, by not having returned home, when it was publicly known, by the real principal inhabitants, that I had received those orders about nine thousand miles sailing from hence, only nineteen days before; and I find the man who was the most active, and is the most reprehensible in the accusation against me, has wrought his own succession to my post.

In my present situation, I am persuaded your lordship will not refuse me a copy of Mr. White's answer and memorial, dated January 30, 1776: therefore I now humbly beg it, and could wish your lordship would also indulge me with a copy of the opinion of the Board of Trade, previous to my dismissal.

But I beseech you, my lord, to judge of my feelings in making my chief request, when I say, that if I am refused it, it will be an affliction of that magnitude, that my existing here afterwards will be worse than indifferent to me.

My request is, that your lordship would be pleased to move his Majesty, or cause such means to be taken, as to your lordship may seem best, that I may be fairly heard, in opposition to what the aforesaid Robert White has delivered against me. The inhabitants of the Mosquito Shore may be considered in him, their agent, as more than present; for his management of the accusation is probably more to their purpose than their own would ever be.

Grant, my lord, that I be heard, and then adjudged; let the time, place, persons, mode, and heavy penal consequences, be dictated to me, I shall subscribe to them with readiness and submission; and afterwards, if I do
not

not appear a different man to what seems to have been lately thought of me, I shall gather up such parts of my mind as may not be too much disarranged, and retire in silence.

I am, with the highest respect,

My lord,

Your lordship's most obedient,

And most humble Servant,

ROB. HODGSON.

London, June 8, 1777.

The Right Hon. Lord

George Germaine.



On a reading, since the printing, which was done in a great hurry, the following *Errata* have been discovered.

D E F E N C E.

Pag. line.

- 2. 7. *after honor, dele the five next words and add, to be*
- 3. 7. *for relating, read relative.*
- 8. 4. *for four, read three.*
- 10. 3. *dele by.*
- 15. 3. *for quilty, read guilty.*
- 17. *throughout for Bermudas, read Bermuda.*
- 23. 7. *for becoming, read become.*
- 27. *for pretiate, read preciate.*
- 31. 3. *read waving.*
- 34. 2. *for a, read and.*
- 37. 7. *dele which he had been the promoter of.*
- 10. *read conciliatory.*
- 38. *last but one, read sessions.*
- 39. 25. *for these, read those.*
- 52. 4. *after on, add the.*
- 56. 7. *for it, read is.*
- 57. 5 & 6. *dele of the superintendant, add to me.*
- 59. 13. *for administrating, read administering.*
- 74. 19. *for papers, read paper.*
- 88. 21. *for article, read instance.*
- 26. *after Shore, add to Jamaica, returning in her to the Shore.*
- 96. 3. *add had.*
- 98. 22. *for presumptions, read presumptuous.*
- 101. 1. *after instance, add of neglect.*
- 104. 1. *for his, read my.*
- 107. 10. *for legislators, read legislature.*
- 110. 23. *to af, add ter.*
- 111. 4. *dele so.*
- 116. 25. *for to, read from.*
- 119. 12. *dele and published the former and delivered the latter, read the new commission, and published the quietus of the old one.*
- 132. 19. *for office, read officer.*
- 137. 11, 12, 13. *dele at the most it was only an objection I made to his authority and it went no farther than words,*
- 144. 15. *after of, dele the.*

A P P E N D I X.

- 18. *last line but one, for Touston, read Tonoston.*
- 21. 13. *for had, read has.*
- 35. *dele so.*
- 22. 8. *for also, read always.*
- 44. *last line but one, after Jamaica, add has.*
- 45. 17. *for I after under, read of.*
- 52. 39. *for crimple, read cripple.*
- 63. 6. *for hearing, read leaving.*
- 9. *for member, read members.*
- 14. *after of, read you.*
- 16. *after object, read to.*
- 19. *for our, read your.*
- at bottom add, Mosquito Shore, July 16 (or 17th) 1773:*

The last page should be 77. for 24.

In the Table, 4th column, 15th line, add &c.

6th column, 4th line, for part; read charge.

